Washington, Wednesday, March 16, 1955

# TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10599

DESIGNATING THE HONORABLE A. CECIL SNYDER TO ACT, UNDER CERTAIN CIR-CUMSTANCES, AS JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE DIS-TRICT OF PUERTO RICO DURING THE YEAR 1955

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes," approved March 2, 1917, as amended by section 20 of the act entitled "An Act to revise, codify, and enact into law title 28 of the United States Code entitled 'Judicial Code and Judiciary'" approved June 25, 1948 (62 Stat. 989) I hereby designate and authorize the Honorable A. Cecil Snyder, Chief Justice of the Supreme Court of the Commonwealth of Puerto Rico, to perform and discharge the duties of the office of Judge of the United States District Court for the District of Puerto Rico, and to sign all necessary papers and records as acting judge of the said district court, without extra compensation, in case of vacancy in the office of judge of the said district court, or in case of the death, absence, illness, or other legal disability of the judge thereof, during the year 1955.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

March 14, 1955.

[F. R. Doc. 55-2229; Filed, Mar. 15, 1955; 11:00 a. m.]

# **EXECUTIVE ORDER 10600**

AMENDING EXECUTIVE ORDER NO. 9260 <sup>2</sup> OF OCTOBER 29, 1942, ENTITLED "LEGION OF MERT"

By virtue of the authority vested in me by section 2 of the Act of July 20, 1942, 56 Stat. 662, and section 301 of title 3 of the United States Code, paragraphs 1, 2, and 3 of Executive Order No. 9260 of October 29, 1942, are hereby amended to read as follows:

<sup>1</sup>7 F. R. 8819; 3 CFR, Cum. Supp., p. 1222.

"1. The decoration of the Legion of Merit shall be awarded by the President of the United States or at his direction to members of the armed forces of the United States and members of the armed forces of friendly foreign nations, who, after the proclamation of an emergency by the President on September 8, 1939, shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

"2. Awards of the decoration of the Legion of Merit may be proposed to the President by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, each acting upon the recommendation of an officer of the armed forces of the United States who has personal knowledge of the services of the person recommended.

of the person recommended.

"3 (a). The decoration of the Legion of Merit, in the degrees of Commander, Officer, and Legionnaire, shall be awarded by the Secretary of Defense or his designee, after concurrence by the Secretary of State, to members of the armed forces of friendly foreign nations.

"(b) Recommendations for awards of the Legion of Merit, in the degree of Chief Commander, to members of the armed forces of friendly foreign nations shall be submitted by the Secretary of Defense, after concurrence by the Secretary of State, to the President for his approval."

DWIGHT D. EISENHOWER

THE WHITE House,
March 15, 1955.

[F. R. Doc. 55-2228; Piled, Mar. 15, 1955; 10:59 a.m.]

# TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 198—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

On December 16, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 198 of Title 26 (1954) of the Code of Federal Regula-

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(For use during 1955)

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Title 49: Part 165 to end (\$0.60)

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tions was published in the Federal Register (19 F. R. 8627) The purposes of the proposal were to adopt Regulations 30, 1953 edition (26 CFR (1939) Part 198, 18 F. R. 8160) Production of Volatile Fruit-Flavor Concentrates, as amended, and to amend such adopted regulations (a) to implement the provisions of the Internal Revenue Code of 1954, (b) to implement administrative decisions, and (c) to delete certain administrative instructions which are to be incorporated in internal management documents. No data, views, or arguments relating thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth below-

PARAGRAPH 1. The preamble is amended as follows:

(A) The first paragraph is amended to read:

(1) The regulations in this part shall supersede Regulations 30, 1953 edition (26 CFR (1939) Part 198; 18 F R. 8160)

(B) A new paragraph is added after paragraph 2.

Par. 2. Subpart B is amended as

follows:

(A) There is inserted, immediately following § 198.7, a new § 198.8.

(B) Sections 198.8, 198.9, 198.10, 198.11, 198.12, 198.13, 198.14, 198.15, 198.16, 198.17, 198.18, and 198.19 are renumbered as 198.9, 198.10, 198.11, 198.12, 198.13, 198.14, 198.15, 198.16, 198.17,

198.18, 198.19, and 198.20, respectively.
(C) There is inserted, immediately following § 198.19 (renumbered as 198.20 in accordance with paragraph 2) a new § 198.21.

(D) Section 198.20 is renumbered as 198.22.

PAR. 3. Section 198.99 is amended by striking in the second sentence the word

Par. 4. Section 198.110 is amended by striking the words "within 10 days"

Par. 5. Section 198.128 is amended by striking the word "triplicate" in each of the first two sentences and inserting in lieu thereof in each instance the word "duplicate"

Par. 6. Section 198.144 is amended by inserting immediately following the first sentence the following new sentence: The proprietor will file his copies of the approved qualifying documents on the premises, available for inspection by internal revenue officers."

Par. 7. Section 198.165 is amended by inserting after the last sentence the following new sentences: "When operations have been suspended for an indefinite period, or for a definite period exceeding fifteen days, and the proprietor desires to resume operations in connection with the production, use, and removal of concentrates he shall give notice to such effect, on Form 27-G, in triplicate, to the assistant regional commissioner, stating when he will commence operations. Form 27-G may be executed in skeleton form as provided in § 198.59."

Par. 8. Section 198.188 is amended by striking the ordinal number "5th" in the last sentence and inserting in lieu thereof the ordinal number "10th"

T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

Approved: March 11, 1955.

MARION B. FOLSOM, Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede Regulations 30, 1953 edition (26 CFR (1939) Part 198; 18 F. R. 8160)

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 198.1 through 198.197 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 5001, 5511, 68A Stat. 596, 677; 28 U. S. C. 5001, 5511. Other statutory provisions interpreted or applied are cited to text in parentheses.

## SUBPART A-SCOPE OF REGULATIONS

§ 198.1 Production of volatile fruitflavor concentrates. The regulations in this part relate to the manufacture of volatile fruit-flavor concentrates, the storage, removal, sale, transportation, and use of such concentrates and the mash and juice from which produced: the alcoholic content thereof; and the addition of substances that will render the concentrates unfit for use as bever-

ages. The regulations cover the location. use, and qualification of concentrate plants; their construction and equipment; changes in name, proprietorship, control, location, premises, and equipment of concentrate plants; action by the assistant regional commissioner and the Director, Alcohol and Tobacco Tax Division in connection with the establishment and operation of concentrate plants; and the recording and reporting of the receipt, use, removal and disposal of concentrates and the mash and juice from which produced.

§ 198.2 Prohibited operations. manufacturer of volatile fruit-flavor concentrate who violates any of the conditions exempting him from the provisions of chapter 51 of the Internal Revenue Code of 1954 will subject himself to the taxes and penalties otherwise applicable under that chapter in respect of such operations, and any person who sells, transports, or uses any volatile fruitflavor concentrate or the mash or juice from which it is produced in violation of that chapter or the regulations promulgated thereunder will subject himself to all the provisions of the chapter pertaining to distilled spirits and wines, including those requiring payment of the tax thereon.

§ 198.3 Forms prescribed. The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

#### SUBPART B-DEFINITIONS

§ 198.6 Meaning of terms. As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

§ 198.7 Assistant regional commissioner "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner of internal revenue.

"Commis-\$ 198.8 Commissionersioner" shall mean the Commissioner of Internal Revenue.

§ 198.9 Concentrate. "Concentrate" shall mean any volatile fruit-flavor concentrate produced by any process which includes evaporations from the mash or juice of any fruit.

§ 198.10 Concentrate plant. "Concentrate plant" shall mean a factory or plant for the manufacture, by any process which includes evaporations from the mash or juice of any fruit of any volatile fruit-flavor concentrate, established and operated under this part and as described in the proprietor's notice. Form 27-G.

§ 198.11 Director, Alcohol and Tobacco Tax Division. "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 198.12 Flashed juice or mash. "Flashed juice or mash" shall mean the spent processing material from which the volatile fruit-flavors have been removed.

§ 198.13 Fold. "Fold" shall mean the ratio of the volume of a concentrate to the volume of the processing material from which distilled. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of processing material.

§ 198.14 Fruit. "Fruit" shall mean and include all products commonly known and classified as fruit, berries, or

§ 198.15 Including. The word "Including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 198.16 Inclusive language. Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, partnership, association, company, or corporation and the term "include" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 198.17 I.R.C. "I.R.C." shall mean the Internal Revenue Code of 1954.

§ 198.18 Person. "Person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company, or corporation.

§ 198.19 Processing material. "Processing material" shall mean the fruit juice or mash which is fed to the evaporator for the separation of volatile fruit-flavors from such fruit juice or mash.

§ 198.20 Proprietor "Proprietor" shall mean the person in whose name notice of the intention to engage in the business of manufacturing volatile fruitflavor concentrates has been given to the sociation, company, or corporation.

§ 198.21 Regional Commissioner. "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 198.22 U S. C. "U. S. C." shall mean the United States Code.

#### SUBPART C-LOCATION AND USE

§ 198.25 Restrictions. Plants for the production of concentrates may not be located in any dwelling house, or in any shed, yard, or enclosure connected with any dwelling house, or on board of any vessel or boat, or on any premises where beer, wines, or vinegar are manufactured or produced, or where sugars or syrups are refined, or where liquors of any description are retailed, or, except as provided in § 198.26, where any other business is carried on.

(68A Stat. 627; 26 U.S. C. 5171)

§ 198.26 Use of premises. The premises of a concentrate plant shall be used exclusively for the manufacture of concentrates by any process which includes evaporation from the mash or juice of any fruit. Such premises may be used

by the proprietor, in addition to such manufacture of concentrates, for the production of a marketable article from the flashed juice or mash or for the production of a food product made from fruit of the same kind used in the manufacture of volatile fruit-flavor concentrates: Provided, That the assistant regional commissioner finds that such other business will not jeopardize the revenue, nor unduly increase administrative supervision. A proprietor desiring to use the premises for such other business must file application in triplicate with the assistant regional commissioner setting forth fully the details of the desired activity. Such other business may not be commenced until approval has been obtained from the assistant regional commissioner.

(68A Stat. 627; 26 U.S. C. 5171)

#### SUBPART D-CONSTRUCTION

§ 198.35 Buildings or rooms. The concentrate plant must be so constructed and equipped as to be suitable for the production of concentrate, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the concentrating process, or the processing of juice and mash or flashed juice and mash, by solid, unbroken partitions, or floors, of substantial construction. Such partitions shall extend from the ground to the roof, or, if a room is used, from the floor to the ceiling: Provided, That necessary openings for the passage of approved pipelines for the conveyance of fruit juice, water, steam, fuel, or similar lines, may be permitted in the walls or partitions. With the approval of the assistant regional commissioner, doors may be placed in the partitions separating the concentrate plant from contiguous premises where juice and mash, flashed juice and mash, or other food products made from fruit of the same kind used in manufacturing volatile fruit-flavor concentrates, are produced, and provision made for the transfer of such products between such premises in containers or by fixed pipeline.

§ 198.36 Means of ingress or egress. Except as provided in § 198.35 the doors and other openings must lead into a yard connected with the concentrate plant, or a public street: Provided, That where a room or floor is used, the door may open into an elevator shaft, or a common , passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the concentrate plant opens into a common passageway, as -provided above, the partition forming the common passageway shall be substantially constructed of solid materials or of expanded metal or woven wire of not less than nine gauge, and not more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, except that doors may be permitted therein. Common passageways must be used exclusively as means of communication.

(68A-Stat. 627; 26 U.S. C. 5171)

room or rooms must be provided in which shall be located the apparatus and

equipment used in processing the fruit juice or mash received on the premises. Such room or rooms shall be known as the distilling department and shall be used exclusively for the processing of fruit junces. A sign must be posted over the door to the distilling department, bearing the words "Distilling Department," and, if more than one room is used, such rooms shall be given alpha-betical designations as "A," "B," "C,"

#### SUBPART E-SIGN

§ 198.40 Posting of sign. The proprietor shall place and keep conspicu-ously on the outside and at the front of the concentrate plant or over the front entrance thereto, where it can be plainly seen, a sign exhibiting in plain and legible letters, not less than three inches in height and of a proper and proportionate width, the name of the proprietor and the words "Volatile Fruit-Flavor Concentrate Plant No. \_\_," followed by the registry number assigned by the assistant regional commissioner.

#### SUBPART F-EQUIPMENT

§ 198.45 Processing material storage tanks. Each processing material storage tank shall have plainly and legibly painted thereon, or on a sign attached thereto, the words "Processing Material Storage Tank" followed by its serial number and capacity in wine gallons. Such tanks shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible for examination by internal revenue officers.

(68A Stat. 680; 26 U.S. C. 5552)

§ 198.46 Distilling apparatus. The equipment used in the processing of a volatile fruit-flavor concentrate, from the place where steam or heat is first applied and through the vapor-liquid separator, the fractionating column, and the final condenser must have a clear space of not less than two feet around them. Every still or condenser must be numbered, commencing with the number "1" at the evaporator, and shall have painted thereon, or on a sign attached thereto, its designated use, such as "Evaporator," "Vapor-Liquid Separaetc., and its number. Where the distilling equipment is insulated, or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still.

§ 198.47 Pipelines. The distilling apparatus and equipment must be closed and continuous commencing with the evaporator from which the vapor rises and continuing with securely closed pipelines to the concentrate receiving tank or other receptacle in which the product is deposited. All such pipelines must be of a fixed and permanent character, constructed of metal or other suitable material, and so arranged as to be exposed to view throughout their entire lengths.

(68A Stat. 680; 26 U.S. C. 5552)

# SUBPART G-QUALIFYING DOCUMENTS

§ 198.55 Notice, Form 27-G. Every § 198.37 Distilling department. A person, before engaging in the business of manufacturing concentrates pursuant to the provisions of this part, must file

notice on Form 27-G, in triplicate, with the assistant regional commissioner. Except as provided in § 198.59, in the case of amended and supplemental notices, all of the information indicated by the lines of the form and the instructions printed thereon, and by this part, shall be furnished. Notices on Form 27-G must be filed in accordance with the instructions printed on the form and shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. Such notices must be numbered serially, commencing with "1" and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental.

(68A Stat. 749; 26 U.S. C. 6065)

§ 198.56 Description of premises. The notice. Form 27-G shall contain a complete description of the building constituting the concentrate plant, including the height, width, and length, the material of which constructed, and the number of stories. All rooms comprising the concentrate plant shall be described on Form 27-G. The description shall include the designated name of each room, which shall be according to its use. and the dimensions thereof.

§ 198.57 Description of apparatus and equipment. There must be described on the Form 27-G the number of tanks, evaporators, separators, stills, condensers, and, if any, receiving and storage tanks, which shall be listed separately as to serial number and capacity in wine gallons. All other regular and permanent equipment must also be described on Form 27-G.

§ 198.58 Capacity. The kind, by name of fruit, of processing materials to be used, the maximum quantity of each kind of processing material that shall be processed in 24 hours, the maximum quantity of concentrates (in wine gallons) that will be produced in 24 hours, and, as to each kind, the minimum and maximum folds to which the volatile fruit-flavors shall be concentrated, and the maximum percent of alcohol to be contained in the concentrates, must be stated on the Form 27-G.

§ 198.59 Amended and supplemental notices. Amended and supplemental notices on Form 27-G may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notices by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27-G, serial number \_ (the number being inserted) and the date of such form.

§ 198,60 Corporate documents. There must be submitted with, and made a part of, the original or initial notice on Form 27-G given by a corporation to engage in the business of manufacturing volatile fruit-flavor concentrates, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to

sign for the corporation:

(b) A list of the names and addresses of the officers and directors; and the names and addresses of all stockholders: Provided, That when more than 20 persons are interested in the business there need be furnished only the names, addresses, and the amounts and nature of the stockholding or other interest of the 20 persons having the largest ownership of stock.

§ 198.61 Power of attorney, Form 1534. If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents, described in § 198.60, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person filing the document to execute the same. Such powers of attorney shall be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

§ 198.62 Execution of power of attorney. Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a partnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the partnership or association must be executed by all of the members constituting the partnership or association. However, if one or more members less than the whole number constituting the partnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document confering authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any to be true copies.

§ 198.63 Duration of power of attorney. Power of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of concentrating volatile fruit-flavors shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the assistant regional commissioner, unless terminated by operation of law.

§ 198.64 Registry of stills, Form 26. Any still or distilling apparatus set up and intended to be used in the production of volatile fruit-flavor concentrates must be registered with the assistant regional

commissioner for the region in which the still is located, on Form 26 immediately it is set up in accordance with the instructions on the form. The form shall be verified by a written declaration that it is made under the penalties of perjury. (68A Stat. 628, 749; 26 U.S. C. 5174, 6065)

§ 198.65 Taxable status of stills. Stills, when used in the production of concentrates pursuant to this part, shall not be subject to special occupational and commodity taxes.

Bond, Form 1694. § 198.66 person intending to commence the business of manufacturing volatile fruitflavor concentrates shall, upon filing his notice of such intention, Form 27-G, and before proceeding with such business, execute a volatile fruit-flavor concentrate manufacturer's bond, Form 1694, in triplicate, in conformity with the provisions of Subpart H of this part, and file the same with the assistant regional commissioner.

§ 198.67 Penal sum of bond. The penal sum of a manufacturer's bond to cover the manufacture of volatile fruitflavor concentrates shall be \$5,000: Provided, however That, where, because of the magnitude of the proposed operation or for other good reason, it is the opinion of the assistant regional commissioner that additional bond should be required for the protection of the revenue, such additional bond, not to exceed \$20,000, may, with the approval of the Director, Alcohol and Tobacco Tax Division, be required.

#### SUBPART H-BONDS AND CONSENTS OF SURETY

§ 198.75 General requirements. Every person required to file a bond or consent of surety under the regulations in this part, shall prepare and execute it on the prescribed form, in triplicate, in accordance with this part and the instructions printed on the form, and shall submit it to the assistant regional commissioner.

§ 198.76 Surety or security. Bonds required by this part shall be given with corporate surety or collateral security.

§ 198.77 Corporate surety. Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal Bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356 and such amendatory circulars as may be issued from time to time.

§ 198.78 Two or more corporate sureties. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: Provided, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary. as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

- § 198.79 Powers of attorney. Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to assistant regional commissioners.
- § 198.80 Interest in business. The surety must have no interest whatever in the business covered by the bond.
- § 198.81 Deposit of collateral. Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties.

§ 198.82 Consents of surety. Consents of surety to a change in the terms of a bond must be executed on Form 1533 in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and procisely what is covered by the extended terms thereof. The consent may be exccuted by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the proper assistant regional commissioner; or the consent may be executed by the home office officials.

§ 198.83 Approval required. No person intending to commence or to continue the business of producing volatile fruit-flavor concentrates shall commence such business until all bonds in respect of such business required by any provision of law have been approved by the assistant regional commissioner.

§ 198.84 Authority to approve. sistant regional commissioners are authorized to approve all bonds required in this part and consents of surety relating thereto.

§ 198.85 Cause for disapproval. Bonds or consents of surety submitted by any person in respect to the business of a manufacturer of volatile fruit-flavor concentrates, may be disapproved if the person giving the same, or owning, controlling, or actively participating in the management of such business, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or beer, or if such an offense shall have been compromised upon payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, beer, or other intoxicating liquor.

(68A Stat. 680; 26 U.S. C. 5551)

§ 198.86 Appeal to Director Alcohol and Tobacco Tax Division. Where a bond or consent of surety is disapproved by the assistant regional commissioner, the person giving the bond may appeal from such disapproval to the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 680; 26 U.S. C. 5551)

§ 198.87 Additional or strengthening bonds. In any case where, in the opinion of the assistant regional commissioner, the penal sum of the bond on file and in effect is not sufficient, the principal shall give an additional or strengthening bond in a sufficient penal sum, as provided in § 198.67, provided the surety thereon is the same as on the bond already on file and in effect; otherwise, a new bond covering the entire amount required by the assistant regional commissioner shall be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the assistant regional commissioner shall refuse to approve, or recommend the approval of any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon. by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 198.88 New bond. A new bond may be required at any time in the discretion of the assistant regional commissioner. A new bond shall be required immediately in the case of the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the assistant regional commissioner, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

§ 198.89 Superseding bond. Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in subpart L of this part. Superseding bonds must show the current

date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bonds."

#### SUBPART I-PLATS AND FLOW PLANS

§ 198.95 Plats and flow plans. Every person intending to engage in the business of concentrating volatile fruit-flavors pursuant to the regulations in this part must submit to the assistant regional commissioner with his notice, Form 27-G, an accurate plat of the concentrate plant premises and accurate flow plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of this subpart.

§ 198.96 Preparation. Every plat and flow plan shall be drawn to scale. Each plat and flow plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plats and flow plans shall be numbered, the first being designated number "1" and the other sheets numbered in consecutive order. The dimensions of plats and flow plans shall be 15" x 20" outside measurement, with a clear margin of at least 1" on each side of the drawing, lettering, and writing. Plats and flow plans shall be submitted on sheets of good quality white paper, tracing cloth, opaque cloth, or sensitized linen. Plats and flow plans may be origmal drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 198.97 Depiction of premises. Plats must show the outer boundaries of the concentrate plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and they must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27-G. If two or more buildings are to be used, they must be shown in their relative position and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such buildings shall include an alphabetical designation, beginning with All exterior doors on the first floor of each building on the premises will be shown on the plat. If the concentrate plant consists of a room or a floor of a building, an outline of the building, the precise location and designation of the room or floor and the means of ingress from and egress to a public street or yard shall be shown.

§ 198.98 Contiguous premises. The plat must show the relative location of any premises on which distilled spirits, wines, beer, or other liquors are manufactured or produced, stored, used, or sold, contiguous to the concentrate plant premises, and all pipelines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the concentrate plant premises must be shown in contrasting colors.

§ 198.99 Elevational flow plans. Elevational flow plans (diagrams) shall be submitted covering: (a) processing material system, (b) distilling system, and (c) if any, the concentrate receiving and storage tank systems. Such flow plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors, with all connecting pipelines, valves, measuring devices, etc. The elevation by floors on the flow plans may be indicated by horizontal lines representing floor levels. All of the flow plans as a unit must show the flow of the processing material and the resulting products, from the processing material feed tank through the evaporators, stills, condensers, sight boxes, and other equipment and the deposit and removal of the finished concentrate from the concentrate receiving tanks, if any. All major equipment, such as tanks, evaporators, stills, condensers, etc., must be identified on these flow plans as to number and use. The elevational flow plans must be so drawn that all fixed pipelines connected with the distilling system may be readily traced from beginning to end, and the direction of flow through the equipment must be indicated by arrows. Other types of drawings that clearly depict the information required by this section may be submitted in compliance with this sec-

§ 198.100 Certificate of accuracy. The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, the draftsman and the assistant regional commissioner, substantially in the following form:

	(Name of proprietor)
Approved:	(Address)
Approved.	(Date)
(Assistant l	Regional Commissioner)
	(Name and capacity—for the proprietor)
	(Draftsman)

.\_\_\_\_ 19\_\_\_. Sheet No.\_\_\_\_

§ 198.101 Revised plats and plans. The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

SUBPART J—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT

§ 198.110 General requirements. Where any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of operating a concentrate plant, is made, written notice must be given to the assistant regional commis-

sioner, and in the form prescribed in this subpart.

# CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 198.111 Notice, Form 27–G. Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must submit, to the assistant regional commissioner, notice on Form 27–G, in triplicate, covering the new name.

§ 198.112 Sign. Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must change the concentrate plant sign to conform with the provisions of Subpart E of this part.

§ 198.113 Records. Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must keep records covering operations under the new name to conform with the provisions of Subpart O of this part.

#### CHANGE IN PROPRIETORSHIP

§ 198.114 Notice, Form 27-G. If the outgoing proprietor is to discontinue permanently the business of concentrating volatile fruit-flavors, Form 27-G, in triplicate, stating thereon the purpose to be "Discontinuance of Business," and giving the date of the discontinuance, must be filed with the assistant regional commissioner.

§ 198.115 Registry of stills. Where there is to be a change in proprietorship of the concentrate plant, the outgoing proprietor must register the stills on Form 26, in triplicate, in accordance with the provisions of Subpart M of this part.

§ 198.116 Records. Where there is to be a change in proprietorship of the concentrate plant, the outgoing proprietor must make appropriate entry in the concentrate plant records in accordance with the provisions of Subpart O of this part.

§ 198.117 Non-fiduciary successor. If the change in proprietor is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new concentrate plant, except that he may adopt the plat and plans of his predecessor as provided in § 198.119.

§ 198.118 Fiduciary. If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to manufacture volatile fruitflavor concentrates, he must comply with the provisions of Subpart G of this part, to the extent that such provisions are applicable. The fiduciary may adopt the plat and plans of the predecessor in accordance with § 198.119. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing the qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the day specified therein, for him to assume control.

§ 198.119 Adoption of plat and plans. The plat and plans of the concentrate plant may be adopted by a successor where they clearly describe and depict the premises and the building, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of a predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the concentrate plant, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the concentrate plant premises, and the building, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

§ 198.120 Sign. The successor, if other than a fiduciary temporarily operating the concentrate plant, must change the concentrate plant sign to conform to the requirements of Subpart E of this part.

§ 198.121 Materials and concentrates. If processing materials and concentrates are received by transfer from the predecessor, the successor must comply with the requirements of Subpart O of this part.

#### OTHER CHANGES

§ 198.122 Change in partnership. The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in § 198.123, the death, bankruptcy or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship occurs, the successor must qualify in the same manner as a new proprietor, except that the successor may adopt the plats and plans of the predecessor, as provided in § 198.119.

₹ 198.123 Exception occasioned by State laws. Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the liquidation of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the concentrate plant for such purpose under the prior qualification of the partnership and the bond already on file will be considered sufficient: Provided, That a consent of surety wherein the surety and the surviving partner agree to remain liable on the bond is filed. If such surviving partner acquires the business upon completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition and give a new bond on Form 1694. The same rule shall apply where there is more than one surviving partner.

§ 198.124 Changes in stockholders, officers, and directors of corporations. The sale or transfer of the capital stock of a corporation operating a concentrate plant does not constitute a change in the

proprietorship of such plant. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor, within 10 days, must give notice thereof, in triplicate, to the assistant regional commissioner. More change in stockholders of corporations not constituting a change in control need not be so reported.

§ 198.125 Reincorporation. Where a corporation operating a concentrate plant is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the concentrate plant, except that the new corporation may adopt the plat and plans of the predecessor, as provided in § 198.119.

§ 198.126 Change in the location of the concentrate plant. The proprietor must comply with the applicable provisions of Subparts C through I of this part, where there is a change in location.

§ 198.127 Change in premises. Where the concentrate plant premises are to be extended or curtailed, and prior to the use of the extended or curtailed premises, the proprietor must file with the assistant regional commissioner an amended notice, Form 27-G, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment they also must be amended.

§ 198.128 Changes in equipment. Where changes are to be made in the apparatus and equipment of the distilling department, which changes would affect the accuracy of the notice, plat, or plans, the proprietor shall first secure approval thereof by the assistant regional commissioner pursuant to application, in duplicate, setting forth specifically the proposed changes: Provided, That emergency repairs may be made without prior approval of the assistant regional commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in duplicate, with the assistant regional commissioner. Upon completion of changes in equipment, where such changes affect the accuracy of the notice, plats, or plans, the proprietor must file an amended notice and amended plans, except that, in the case of minor changes such as general repairs, changes in pipelines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately. Provided, That the assistant regional commissioner may, at any time, in his discretion require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

# SUBPART K—ACTION BY ASSISTANT REGIONAL COMMISSIONER

## ORIGINAL ESTABLISHMENTS

§ 198.135 Examination of qualifying documents. Upon receipt of notice, plat,

plans, bonds, and other documents required by this part, of persons intending to engage in the business of producing volatile fruit-flavor concentrates, the assistant regional commissioner shall examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and regulations. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission or material errors or discrepancies, have been rectified, and there has been full compliance with all requirements.

§ 198.136 Inspection of premises. Where the required documents have been filed in proper form, the assistant regional commissioner shall assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereon in the notice, plat and plans, and whether the apparatus and equipment, and measures of protection to the revenue afforded meet the requirements of the law and regulations. The inspector shall observe particularly the manner in which the rooms or buildings on the premises are separated from other premises, or other rooms or buildings, the means of communication, of ingress and egress, and the construction of the distilling apparatus and equip-Where the inspection discloses ment. mmor irregularities in the qualifying documents, or in construction, the inspector shall, at the time of the discovery, direct the attention of the proprietor to such irregularities in order that the proprietor may correct the discrepancies before completion of the inspection. Upon completion of the inspection, a report thereof shall be submitted to the assistant regional commissioner.,

§ 198.137 Inaccurate documents. Where the assistant regional commissioner's examination, or the inspector's report, discloses discrepancy in the qualifying documents, the inaccurate or incomplete documents shall be returned to the proprietor for correction. A record of any bonds so returned shall be maintained.

§ 198.138 Defective construction. Where it is found that the construction of the distilling apparatus or equipment does not conform to the requirements of the law and regulations, the assistant regional commissioner shall inform the proprietor concerning the defects, and further action must be held in abeyance pending correction thereof.

§ 198.139 Bonds and consents of surety. All bonds and consents of surety required to be filed by manufacturers of concentrates shall be approved or disapproved by the assistant regional commissioner.

§ 198.140 Inquiry by assistant regional commissioner Before approving any bond or consent of surety given by any person, in respect to the business of a concentrate manufacturer, the assistant regional commissioner shall make

such inquiry or investigation as may be deemed necessary to ascertain whether such person, or any person owning, controlling, or actively participating in the management of the business has been convicted of, or has compromised, an offense of the nature specified in § 198.85.

§ 198.141 Approval of bond. If the assistant regional commissioner finds that the person seeking to qualify as a proprietor has complied in all respects with the requirements of law and this part, he shall note his approval on all copies of the bond, and his approval on all copies of the notice, plat, and plans.

Disapproval of qualifying § 198.142 If the assistant regional documents. commissioner finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the person intending to com-mence business as a manufacturer of concentrates, or any person owning, controlling, or actively participating in the management of such business, has been convicted of, or has compromised, an offense of the nature specified in § 198.85. or, if he finds that the situation of the premises is in other respects such as would enable the proprietor to defraud the United States, he shall disapprove the bond, notice, plat, plans, and other documents.

§ 198.143 Appeal to Director, Alcohol and Tobacco Tax Division. Where a bond or consent of surety is disapproved by the assistant regional commissioner, an appeal may be taken to the Director, Alcohol and Tobacco Tax Division.

Disposition of qualifying documents. Where the bond or consent of surety is approved by the assistant regional commissioner, he shall assign a registry number to the concentrate plant, in accordance with the provisions of § 198.145, return one copy of the bond, notice, plat, plans, and other qualifying documents to the proprietor, and authorize the proprietor to commence operations. The proprietor will file his copies of the approved qualifying documents on the premises, available for inspection by internal revenue officers. If the bond or consent of surety is disapproved by the assistant regional commissioner all copies thereof shall be returned to the principal, and the surety or sureties shall be notified of such action. If the bond or consent of surety has been disapproved, the assistant regional commissioner shall return all copies of other qualifying documents to the proprietor with advice as to the reasons for disapproval.

§ 198.145 Registry numbers. Concentrate plants will be numbered serially in the order of their establishment. A separate series of numbers, commencing with 1, shall be used for each State. Registry numbers heretofore assigned will be retained and new concentrate plants will be assigned new numbers in sequence. Registry numbers previously assigned to discontinued concentrate plants will not be assigned to other concentrate plants. In the case of a successor taking over the concentrate plant, or

where there is a change in location of the concentrate plant within the same State, the same registry number may be retained.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 198.146 Procedure applicable. The provisions of this subpart, respecting the action required of assistant regional commissioners in connection with the establishment of concentrate plants shall be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location of premises, distilling apparatus and equipment, of the concentrate plant, or where operations are permanently discontinued.

CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

§ 198.147 Procedure applicable. The procedure prescribed herein for the approval and disapproval of notices and bonds submitted in connection with the establishment of concentrate plants will, to the extent applicable, govern the approval and disapproval of consents of surety, and additional and superseding bonds.

#### SUBPART L-TERMINATION OF BONDS

§ 198.155 Termination of bond. The manufacturer's bond, Form 1694, will be terminated by the assistant regional commissioner as to future liability (a) pursuant to application by the surety as provided in § 198.156 or (b) pursuant to approval of a superseding bond or discontinuance of business by the principal.

§ 198.156 Application of surety for relief from bond. A surety on any bond required by this part may at any time, in writing, notify the principal and the assistant regional commissioner in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of such notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and two copies to the assistant regional commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the department. The surety must also file with the assistant regional commissioner an acknowledgement or other proof of service of such notice on the principal.

§ 198.157 Extent of release of surety from liability. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability for concentrates, and fruit juice or mash, which are produced or received wholly subsequent to the date named in the notice. If the concentrate manufacturer files a valid superseding bond on Form 1694 prior to the date named in the surety's notice, the surety shall also be relieved from liability for concentrates and juice

or mash on hand at the concentrate plant on said date. If the principal fails to file such superseding bond, the surety, notwithstanding his release from liability as specified above, shall continue to remain liable under the bond for all concentrates and juice or mash on hand at the concentrate plant on said date, until such concentrate and juice or mash have been lawfully disposed of or a new bond has been filed by the principal covering the same. Liability under the bond, Form 1694, for concentrate, and fruit juice or mash, produced, received; or removed thereunder prior to the date named in the surety's notice shall continue until such concentrates, and fruit juice or mash, are properly accounted for according to law and regulations, regardless of whether the principal files a superseding bond.

§ 198.158 Notice of release of surety from liability. If the principal files a valid superseding bond prior to the date named in the surety's notice, the assistant regional commissioner shall issue "Notice of Release" on Form 1491. Where the principal fails to file such superseding bond, the assistant regional commissioner shall, by letter, notify the surety of such fact and of his continued liability under the bond for concentrates and juice or mash on hand at the concentrate plant on said date. The assistant regional commissioner shall also at such time notify the concentrate manufacturer that no further operations may be conducted at the concentrate plant until a valid bond is filed and approved.

§ 198.159 Release of collateral. The release of collateral pledged and deposited to support bonds required by the regulations in this part shall be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225) subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the assistant regional commissioner determines that there is no outstanding liability against the bond. he will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of such determination, the assistant regional commissioner shall satisfy himself that the interests of the Government will not be jeopardized. At any time prior to the release of such security the assistant regional commissioner may, in his discretion and for proper cause, further extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

#### SUBPART M-SUSPENSION OR DISCONTINUANCE **OF BUSINESS**

§ 198.165 Form of notice. Any proprietor of a concentrate plant desiring to suspend operations in connection with the production, use, and removal of concentrates for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, on Form 27-G, in triplicate, to the assistant regional commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor shall fix in the notice, the time and date when operations shall be suspended. When operations have been suspended for an indefinite period, or for a definite period exceeding 15 days, and the proprietor desires to resume operations in connection with the production. use, and removal of concentrates he shall give notice to such effect, on Form 27-G, in triplicate, to the assistant regional commissioner, stating when he will commence operations. Form 27-G may be executed in skeleton form as provided in § 198.59.

§ 198.166 Registry of stills. The temporary suspension of operations at a concentrate plant does not necessitate reregistration of stills. The operations of a concentrate plant by alternating proprietors, where no permanent change in ownership occurs does not require registry of the stills by the proprietors. Where there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The assistant regional commissioner shall, upon approving the registration of a still on Form 26. return one copy to the proprietor who shall retain his copy at the concentrate plant premises, available for inspection by internal revenue officers.

#### SUBPART N-PLANT OPERATIONS

§ 198.170 Compliance with requirements of law and regulations. Under no circumstances shall any person produce concentrates until compliance with all the requirements of law and this part, and the required notice, Form 27-G, and supporting documents have been approved in accordance with provisions of this part.

§ 198.171 Inspection of premises and records. All persons manufacturing concentrates pursuant to the provisions of this part shall permit any internal revenue officer to inspect the premises, equipment, stocks, and records, at any reasonable hour, as well by night as by day, as required by law.

(68A Stat. 636; 26 U.S. C. 5196)

### COMMENCEMENT OF OPERATIONS

§ 198.172 Processing material. The proprietor of a concentrate plant may produce processing material on his premises to be used in the manufacture of concentrates or such processing maternal may be produced elsewhere and transported to the concentrate plant. Processing material must be measured when produced or, if produced elsewhere, when received on the premises. The production or receipt of such materials shall be recorded in a record to be maintained by the proprietor, as provided in § 198.186. This record shall also show the name and address of the person from whom received. If processing material is stored on the premises. and it is desired to remove the same for any purpose whatsoever, the proprietor shall enter on his record the kind and quantity so removed, the name and address of the person to whom disposed of, and the reason therefor.

§ 198.173 Use of processing material. The proprietor may use processing material produced, and received as set forth in § 198.172, if it contains no more alcohol than is reasonably unavoidable. To this end, fermented processing material must not be used in the manufacture of a concentrate. The proprietor must use processing material as soon as produced, or as soon thereafter as it is practicable.

§ 198.174 Quantity of processing material to be determined. The proprietor shall determine the number of gallons of processing material fed to the evaporator and shall enter the same on his record, as provided in § 198.186.

§ 198.175 Quantity and alcohol content of concentrate produced to be determined. As to each lot of processing material processed, the total quantity of concentrate produced therefrom and the alcohol content of such concentrate shall be determined and recorded. The alcohol content shall be determined by the use of a standard hydrometer and in accordance with the provisions of the Gauging Manual (part 186 of this title).

§ 198.176 Removal of concentrate. Concentrate which is fit for use as a beverage may not be removed from the place of manufacture. Such concentrate, may, however, be used on the premises in the completion of the manufacture of any product authorized to be made by the provisions of § 198.26, if such products contain less than one-half of one percent alcohol by volume. Where the alcoholic content of any concentrate exceeds six percent but not more than fifteen percent of alcohol by volume, and it is desired to remove such centrate exceeds six percent but not shall be added to each gallon thereof not less than:

(a)  $8\%_0$  pounds of sucrose; or

- (b) 2½ ounces of any one of the following:
  - (1) Malic acid;

  - (2) Citric acid;(3) Tartaric acid.

Concentrate containing not more than six percent alcohol by volume may be removed from the premises without being modified by the addition of any substance; unless the Director, Alcohol and Tobacco Tax Division, finds that the concentrate is fit for use as a beverage and requires the addition thereto of the materials specified in paragraphs (a) or (b) of this section.

§ 198.177 Label. Each container of concentrate shall have affixed thereto, at the time of filling, a label showing: (a) The name of the proprietor; (b) the registry number of the plant and the State in which located; and (c) the address of the plant, as shown on the notice. Form 27-G.

#### SUBPART O-PROPRIETOR'S RECORDS AND REPORTS

§ 198.185 General. The proprietor of every concentrate plant shall keep commercial records and render reports on Form 1695 as hereinafter provided.

§ 198.186 Commercial records. The proprietor shall keep commercial records

showing daily, the production, receipt, and use of processing material, the use of flashed juice or mash, the production of concentrate and the percent, by volume, of alcohol contained therein, the removal or use of concentrates, and the removal of articles manufactured from jùice or mash, and flashed juice or mash. The names and addresses of the persons from whom processing materials are received and the names and addresses of the persons to whom concentrates are disposed of shall be shown on these records. The commercial records shall also show the receipt and use of substances that are used to render concentrates unfit for use as a beverage in accordance with the provisions of § 198.176:

§ 198.187 Retention of commercial records. Commercial records shall be maintained on the premises available for inspection by internal revenue officers at all reasonable hours as provided in §198.171. Such commercial records shall be retained as permanent records for a period of not less than two years.

§ 198.188 Report, Form 1695. Entries on Form 1695 shall be made as indicated by the headings of the various columns, and lines, and in accordance with the instructions on the form and as set forth in this part. The entries must be made by the proprietor, or by his agent from personal knowledge or from data furnished by the proprietor. At the close of the month, but in no case later than the tenth day of the succeeding month, the proprietor shall prepare and forward an original copy of the Form 1695 to the assistant regional commissioner.

§ 198.189 Execution. The monthly report, Form 1695, shall be signed by the proprietor or his authorized agent and shall be verified by a written declaration that it is made under the penalties of perjury. Where the report is signed by an agent, proper power of attorney authorizing the agent to execute the report for the proprietor must be filed in triplicate, with the assistant regional commissioner.

(68A Stat. 749; 26 U.S. C. 6065)

§ 198.190 Permanent record. One copy of the Form 1695 shall be retained by the proprietor as a permanent record, in bound form, for a period not less than two years, and shall be kept on the premises available for inspection by internal revenue officers at all reasonable hours.

§ 198.191 Requirements where change in proprietorship occurs. When a succession or change in the proprietorship of the concentrate plant occurs, the outgoing proprietor shall enter on his record, Form 1695, an account of all processing material and concentrates transferred to his successor, who shall in turn enter such items on his report, Form 1695, as received from his predecessor. The outgoing proprietor shall make appropriate notation on all forms and records required to be kept by him, showing the change in the proprietor and the date thereof.

SUBPART P-MISCELLANEOUS PROVISIONS

§ 198.195 Exceptions to construction and equipment requirements. The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection. to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 198.197.

(68A Stat. 680; 26 U.S. C. 5552)

§ 198.196 Exceptions to methods of operation. The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not peopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 198.197.

(68A Stat. 680; 26 U.S. C. 5552)

§ 198.197 Application. A proprietor who proposes to employ methods of operation or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiries as are necessary to determine the necessity for the variations, and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry. the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

'(68A Stat. 680; 26 U.S. C. 5552)

[F. R. Doc. 55-2163; Filed, Mar. 15, 1955; 8:50 a. m.]

# TITLE 29—LABOR

Chapter V—Wage and Hour Division,
Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

WAGE RATE IN KNITTED WEAR INDUSTRY

On January 28, 1955, the Administrator published in the Federal Register

(20 F. R. 621) a proposed amendment to the regulations governing employment of learners in the Knitted Wear Industry at wages lower than the minimum wage established in section 6 of the Fair Labor Standards Act of 1938, as amended, and interested presons were given 30 days to submit data, views or arguments pertaining thereto.

All relevant matter submitted has been carefully considered. On the basis of all available information, the proposed change in the regulations appears necessary and appropriate in the light of the standard set forth in section 14 of the

act.

Accordingly, by virtue of authority conferred by section 14 of the Fair Labor Standards Act of 1938, as amended, (Section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) and United States Department of Labor General Order No. 45A (15 F. R. 3290) issued pursuant to Reorganization Plan No. 6 of 1950 (64 Stat. 1236; 5 U. S. C. 1332–15) the Administrator of the Wage and Hour Division hereby amends § 522.72, which as amended is to read as follows:

§ 522.72 Learner wage rate. The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 70 cents per hour. In establishments where experienced workers are paid on a piece rate basis, learners shall be pald the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rate authorized in the certificate.

(Scc. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

The above amendment shall become effective April 18, 1955.

Signed at Washington, D. C., this 10th day of March 1955.

WM. R. McComb, Administrator Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 55-2144; Filed, Mar. 15, 1955; 8:47 a. m.]

PART 522—EMPLOYMENT OF LEARNERS

CERTAIN DIVISIONS OF APPAREL INDUSTRY; TERMS OF SPECIAL CERTIFICATES

On January 28, 1955, the Administrator of the Wage and Hour Division, United States Department of Labor, published in the Federal Register (20 F. R. 621) a proposed amendment to § 522.162 of the regulations contained in this part as it applies to the women's apparel division. Interested persons were afforded an opportunity to submit data, views or arguments pertaining to such proposed amendments within 30 days from the date of publication of the notice in the Federal Register.

Comments have been received from employer and employee representatives and from a number of individual employers in this industry. All relevant matter submitted has been carefully considered. On the basis of all available information, the proposed amendment of these regulations appears necessary and appropriate in the light of the standard set forth in section 14 of the act.

The amendments increase the minimum learner wage from 65 cents per hour to 70 cents per hour for the first 320 hours of the learning period and from 70 cents per hour to 72½ cents per hour for the next 160 hours; make the same increases applicable to workers undergoing retraining; and reclassify the occupations and duration of the learning periods.

Accordingly, by virtue of authority conferred by section 14 of the Fair Labor Standards Act of 1938, as amended (Section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214) and United States Department of Labor General Order No. 45A (15 F R. 3290) issued pursuant to Reorganization Plan No. 6 of 1950 (64 Stat. 1236; 5 U. S. C. 1332–15) § 522.162 is hereby amended to read as follows:

§ 522.162 Terms of special certificates. Special learner certificates may be issued authorizing the employment of learners in the divisions of the apparel industry specified in § 522.161 (a) subject to the following limitations as to occupation, duration of learning period, minimum rates of pay, and number or proportion:

- (a) Occupations for which certificates may be issued and duration of learning periods. (1) Sewing machine operating, final pressing, hand-sewing, finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations; all other pressing and all other machine operating (except cutting) a maximum learning period of 160 hours; but not more than a 320-hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous two years, the worker has had 160 hours or more of experience in another of these occupations in any division of the industry.
- (2) Final inspection of assembled garments—maximum learning period of 160 hours.
- (b) Minimum rates of pay. (1) A learner employed in occupations for which a 480-hour learning period is authorized, shall be paid:
- (1) Not less than 70 cents per hour for the first 320 hours and not less than 72½ cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry, as defined in § 522.161 (a) (1)

(ii) Not less than 63 cents per hour for the first 320 hours, and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the apparel industry, as defined in § 522.161 (a) (2) (3) (4) (5), and (6)

(iii) An experienced worker in any one of the occupations shown in paragraph (a) (1) of this section for which a 480-hour learning period is authorized, who is being retrained in any other of the occupations shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 70 cents per hour for the first 160 hours and not less than 721/2 cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry, as defined m § 522.161 (a) (1) and at wage rates not less than 63 cents per hour for the first 160 hours and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the apparel industry, as defined in § 522.161 (a) (2) (3) (4) (5) and (6)

(2) A learner employed in the occupation of final inspection of assembled garments, shall be paid not less than 70 cents per hour during the 160-hour authorized learning period.

(3) A learner employed in any occupation for which a 160-hour learning period is authorized in paragraph (a) (1) of this section shall be paid not less than 70 cents per hour if employed in the women's apparel division, as defined in § 522.161 (a) (1) and not less than 63 cents per hour if employed in any of the divisions of the apparel industry, as defined in § 522.161 (a) (2), (3) (4) (5) and (6)

(3) (4) (5) and (6)
(4) No experienced worker shall be employed under the terms of a special learner certificate, except as provided in subparagraph (1) (iii) of this paragraph.

(5) In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupations are paid and earnings shall be based on those piece rates if in excess of the subminimum rates authorized in the certificate.

(c) Number or proportion of learners.

(1) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of productive factory workers in the plant: Provided, That in plants employing less than 100 workers a maximum of 10 learners may be authorized.

(2) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S. C. 214)

These amendments shall become effective April 18, 1955.

Signed at Washington, D. C., this 10th day of March 1955.

Wm. R. McComb,
Administrator Wage and Hour
and Public Contracts Divisions.

[F. R. Doc. 55-2145; Filed, Mar. 15, 1955; 8:47 a. m.]

# TITLE 7-AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CER-TIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWDERRIES 1

On December 14, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F R. 8538) regarding a proposed revision of the United States Standards for Grades of Frozen Strawberries.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Strawberries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.)

# PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

Sec.	
52.1981	Product description.
52.1982	Styles of frozen strawberries.
52.1983	Sizes of whole frozen strawberries,
52.1984	Grades of frozen strawberries.

#### FACTORS OF QUALITY

	Ascertaining Ascertaining factor.	g the grade. g the rating		of	onoh
52.1987					
52.1988	Defects.				
52.1989	Character.				

EXPLANATION AND METHOD OF ANALYSIS

52.1990 Definition of terms.

52.1991 Explanation of analysis.

LOT CERTIFICATION TOLERANCES
52.1992 Tolerances for certification of officially drawn samples.

#### SCORE SHEET

52.1993 Score sheet for frozen strawberries,

AUTHORITY: \$\$ 52.1981 to 52.1993 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

§ 52.1981 Product description. Frozen strawberries means the frozen product prepared from sound, properly repend fresh fruit of the strawberry plant by stemming, proper washing, sorting, and proper draining, may be packed with or without packing medium, and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.1982 Styles of frozen strawberries. (a) "Whole" or "whole strawberries" means frozen strawberries that retain approximately their original conformation.

(b) "Slices" or "sliced strawberrier" means frozen strawberries produced by

<sup>&</sup>lt;sup>1</sup>If, within the previous two years, the worker has been employed in any division of the industry in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment should be deducted from the applicable learning period.

<sup>&</sup>lt;sup>2</sup> Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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slicing whole strawberries into two or more slices.

- § 52.1983 Sizes of whole frozen strawberries. Except with respect to U.S. Grade A or U. S. Fancy, the size of the whole frozen strawberry is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. When used in connection with the following sizes of whole frozen strawberries. the term "diameter" means the greatest dimension measured at right angles to a straight line running from the stem to
- (a) "Small size" means whole frozen strawberries that measure less than 5% inch in diameter.
- (b) "Medium size" means whole frozen strawberries that measure % inch to 11/4 inches, inclusive, in diameter.
- (c) "Large size" means whole frozen strawberries that measure more than 11/4 inches in diameter.
- § 52.1984 Grades of frozen strawberries. (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart and that with respect to whole style contain not more than 5 percent, by count, of whole strawberries that are "small size," (less than % inch in diameter)
- (b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen strawberries that possess similar varietal characteristics: that possess a good flavor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.
- (c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen strawberries that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.
- (d) "Substandard" is the quality of frozen strawberries that fail to meet the requirements of "U.S. Grade C" or "U.S. Standard."

### FACTORS OF QUALITY

- § 52.1985 Ascertaining the grade-(a) General. The grade of frozen strawberries is determined immediately after thawing to the extent that the units may be separated easily, and are free from ice crystals. In addition the grade of frozen strawberries is ascertained by considering the factors of quality which are not scored and those which are scored as follows:
- (1) Factors which are not scored. (i) Varietal characteristics.
- Flavor and odor.
- (iii) Size relative to U.S. Grade A or U. S. Fancy.

(2) Factors which are scored. The relative importance of each factor which 15 scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors

Factors: Color \_\_\_\_\_ 40 Defects 40 Character 20 Total score\_\_

- (b) "Good flavor" means that the product has a good characteristic, normal flavor and odor, and is free from objectionable flavors or objectionable odors of any kind.
- (c) "Fairly good flavor" means that the product may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors or objectionable odors of any kind.
- § 52.1986 Ascertaining the rating for the factors which are scored. The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor is inclusive. For example, the rane "36 to 40 points" means 36, 37, 38, 39, or 40 points.
- § 52.1987 Color—(a) (A) classification. Frozen strawberries that possess a good color may be given a score of 36 to 40 points. "Good color" means that the frozen strawberries as a mass possess a reasonably uniform good characteristic pink to red color which is not more than slightly affected by a dull, gray, or reddish-brown cast; and in addition:
- (1) With respect to whole style 85 percent or more, by count, of the strawberries have at least a good characteristic pink to red color over practically the entire surface and of the remainder not more than 5 percent, by count, of all the strawberries may have less than fourfifths of the surface area of a good characteristic pink to red color, or are materially darkened; and that:
- (2) With respect to sliced style 85 percent or more, by weight, of the slices have at least a good characteristic pink to red color over practically the entire outer surface (not including cut surfaces) and of the remainder not more than 5 percent, by weight, of all the slices may have less than one-half of the outer surface (not including cut surfaces) of a good characteristic pink to red color, or are materially darkened.
- (b) (B) classification. If the frozen strawberries possess a reasonably good color, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen strawberries as a mass possess a fairly uniform good characteristic pink to red color which is not materially affected by dull, gray, or reddish-brown cast; and in addition:
- (1) With respect to whole style 75 percent or more, by count, of the strawberries have at least a good characteristic pink to red color over practically the

entire surface, and of the remainder not more than 10 percent, by count, of all the strawberries may have less than four-fifths of the surface area of a good characteristic pink or red color, or are materially darkened; and that:

(2) With respect to sliced style 75 percent or more, by weight, of the slices have at least a good characteristic pink to red color over practically the entire outer surface (not including cut surfaces) and of the remainder not more than 10 percent, by weight, of all the slices may have less than one-half of the outer surface (not including cut surfaces) of a good characteristic pink to red color, or are materially darkened.

(c) (C) classification. If the frozen strawberries possess a fairly good color, a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the frozen strawberries as a mass possess a predominant characteristic pink to red color and may show a dull, gray, or slightly dark color. but not to the extent that the appearance or eating quality is seriously affected; and in addition:

(1) With respect to whole style not more than 15 percent, by count, of all the strawberries may have less than four-fifths of the surface area of a characteristic pink to red color, or are materially darkened.

(2) With respect to sliced style not more than 15 percent, by weight, of all the slices may have less than one-half of the outer surface (not including cut surfaces) of a characteristic pink to red

color, or are materially darkened.
(d) (SStd.) classification. Frozen strawberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule)

§ 52.1988 Defects—(a) General. The factor of defects refers to the degree of freedom from grit, sand, or silt, from harmless extraneous material, caps and portions thereof, sepallike bracts and portions thereof, stems, short stems, and damaged strawberries.

(1) "Harmless 'extraneous material" means vegetable substances such as weeds, weed seeds, grass, and leaves and any portions thereof that are harmless.

(2) "Grit, sand, or silt" means any

particles of earthy material.
(3) "Short stem" means a stem that is % inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion

(4) "Stem" means a stem, either loose or attached, that is longer than 1/3 inch.
(5) "Cap" means a loose or attached

thereof is attached.

full cap or portion of a cap to which at least one sepal-like bract or a portion thereof is attached. A short stem that is attached to the cap is considered a part of the cap. A stem that is attached to the cap is considered a separate defect.

(6) "Damaged strawberry" means a strawberry or any physically separated portion thereof that is affected by hard seedy or deformed end, and deformed or damaged areas to the extent that the appearance or eating quality is materially affected. Minute, insignificant injuries are not considered as damaged.

(b) (A) classification. Frozen strawberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) Whole. No grit, sand, or silt may be present that affects the appearance or eating quality of the product and for each 16 ounces of net weight there may be present an area of not more than 4 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than two stems, including not more than one stem which may exceed 1/2 inch in length. or one small piece of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and not more than 16 short stems; and there may be present not more than a total of 5 percent, by weight, that are damaged strawberries.

(2) Sliced. No grit, sand, or silt may be present that affects the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than 1/4 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than two stems, including not more than one stem which may exceed 1/2 inch in length, or one small piece of harmless extraneous material that is not measurable by area such as weeds, weed seeds and blades of grass; and not more than 16 short stems and there may be present not more than a total of 21/2 percent, by weight, that are damaged strawberries.

(c) (B) classification. If the frozen strawberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reason-ably free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) Whole. No grit, sand, or silt may be present that affects the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than 1/2 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and lose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed 1/2 inch in length, or one small piece of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of

grass; and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, that are damaged strawberries.

(2) Sliced. No grit, sand, or silt may be present that affects the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than 1/2 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed ½ inch in length, or one small piece of harmless extraneous material that is not measureable by area such as weeds, weed seeds and blades of grass; and not more than 32 short stems: and there may be present not more than a total of 5 percent, by weight, that are damaged strawberries.

(d) (C) classification. If the frozen strawberries are fairly free from defects. a score of 28 to 31 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) Whole. A trace of grit, sand, or silt may be present that does not materrally affect the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than 1/2 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than four stems, including not more than one stem which may exceed 1/2 inch in length, or one small piece of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 10 percent, by weight, that are damaged strawberries.

(2) Sliced. A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the product, and for each 16 ounces of net weight there may be present an area of not more than 1/2 square inch comprising harmless extraneous material such as leaves and portions thereof, caps and portions thereof; not more than four stems, including not more than one stem which may exceed ½ inch in length, or one small piece of harmless extraneous material that is not measurable by area such as weeds, weed seeds, and blades of grass; and there may be present not more than a total of 5 percent, by weight, that are damaged strawberries.

(e) (SStd.) classification. strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score of the product (this is a limiting rule)

§ 52.1989 Character—(a) The factor of character refers to firmness, the degree of wholeness, degree of seediness, degree of disintegration as evidenced by partial strawberries and mushy strawberries.

(1) "Partial strawberry" in whole style means that less than three-quarters of the apparent whole strawberry re-

mains intact.

(2) "Mushy strawberries" in whole and sliced styles means strawberries that are so soft they are a pulpy mass or are badly disintegrated.

(b) (A) classification. Frozen strawberries that possess a good character may be given a score of 18 to 20 points. Good character" means that the strawberries are reasonably firm, that the appearance and eating quality of the product are not materially affected by disintegration or seediness and that:

(1) With respect to whole style not more than 10 percent, by weight, of strawberries may consist, in the aggregate, of partial strawberries or mushy strawberries or a combination thereof,

and that:

(2). With respect to sliced style not more than 20 percent, by weight, of strawberries may consist, in the aggregate, of mushy strawberries.

(c) (B) classification. If the frozen strawberries have a reasonably good character, a score of 16 or 17 points may be given. Frozen strawberries that fall into this classification shall be graded above U.S. Grade B or U.S. Choice (this is a limiting rule) "Reasonably good character" means that the strawberries are fairly firm, that the appearance and eating quality of the product are not seriously affected by seediness or disintegration, and that:

(1) With respect to whole style not more than 20 percent, by weight, of strawberries may consist, in the aggregate, of partial strawberries or mushy strawberries or a combination thereof. and that:

(2) With respect to sliced style not more than 30 percent, by weight, of strawberries may consist, in the aggregate, of mushy strawberries.

(d) (C) classification. If the frozen strawberries have a fairly good character, a score of 14 or 15 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule) "Fairly good character" means that the strawberries are fairly firm, and that:

(1) With respect to whole style not more than 30 percent, by weight, of strawberries may consist, in the aggregate, of partial strawberries or mushy strawberries or a combination thereof, and that:

(2) With respect to sliced style not more than 50 percent, by weight, of strawberries may consist, in the aggregate, of mushy strawberries. (e) (SStd.) classification.

strawberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting

# EXPLANATION AND METHOD OF ANALYSIS

- § 52.1990 Definition of terms—(a) By weight of strawberries. "By weight of strawberries" means the strawberry ingredient exclusive of the surrounding medium.
- (b) Area. "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

§ 52.1991 Explanation of analysis.
(a) "By weight of strawberries" in frozen strawberries is determined by the following method:

(1) Equipment.

Flat grading tray.
Table fork.
Two glass beakers.
Torsion or triple beam balance.

(2) Procedure. (i) If the sample is of 16 ounces or less use the entire sample, but if the sample is of a size exceeding 16 ounces use a representative 16-ounce aliquot for sliced style and a 32-ounce representative aliquot for whole style.

(ii) Thaw the sample to the extent that the strawberries may be separated easily and are free from ice crystals.

(iii) Place the thawed sample on a flat grading tray, raise one end of the tray approximately one inch so the packing medium drains to the other end of the tray. For a given factor (viz., color, defects or character) (a) separate those units (or that material) which fall into the categories specified in the standards, LA table fork or similar utensil may be used to facilitate the separation]; (b) using the table fork remove that portion of the strawberry material which has been separated in (a) of this subdivision and weigh; (c) Using the table fork remove the remaining strawberry material exclusive of packing medium from the tray and weigh; (d) The sum of the weights obtained in (b) and (c) of this subdivision is the weight of strawberry ingredient; and (e) Calculate the percent, by weight, of the separated material and divide the weight of such material found in (b) of this subdivision by the total weight of strawberry material.

### LOT - CERTIFICATION TOLERANCES -

§ 52.1992 Tolerances for certification of officially drawn samples. (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen strawberries the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to these factors which are scored;

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

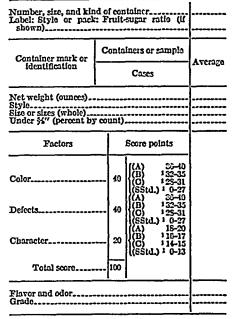
(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores:

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factors subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

#### SCORE SHEET

§ 52.1993 Score sheet for frozen strawberries.



I Indicates limiting rule.

Effective time and supersedure. The United States Standards for Grades of Frozen Strawberries (which is the fifth issue) contained in this subpart shall become effective 30 days after publication hereof in the Federal Register, and will thereupon supersede the United States Standards for Grades of Frozen Strawberries which have been in effect since May 1, 1949.

Dated: March 11, 1955.

[SEAL] ROY W. LENNARTSON,

Deputy Administrator,

Marketing Services.

[F. R. Doc. 55-2135; Filed, Mar. 15, 1955; 8:45 a. m.]

# Chapter IV—Federal Crop Insurance Corporation

[Amdt. 9]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

#### POLICY

The above identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302; 17 F. R. 5980, 10537; 18 F R. 3634, 6992; 19 F. R.

5604, 9365) are hereby amended, effective beginning with the 1955 crop year as follows:

- 1. Subsection (a) as amended, of section 9 of the policy as shown in § 421.32 is amended by changing the cancellation date for 1956 and succeeding crop years to March 15 for all counties.
- 2. Section 12, of the policy shown in § 421.32 is amended to read as follows:
- 12. Notice of loss or substantial damage.
  (a) If, during the growing season, the insured bean crop on any insurance unit is substantially damaged the insured shall give immediate written notice of such damage to the Corporation at the county office.
- (b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than 15 days after threshing is completed on the insurance unit or December 15 of the calendar year in which the beans are planted, whichever is earlier.

(c) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

- 3. Subsection (d) of section 29, as amended, of the policy as shown in § 421.32 is amended to read as follows:
- (d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than \$10.00 the amount shall be increased to \$10.00.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on February 21, 1955.

[SEAL]

C. S. LAIDLAW, Secretary.

Federal Crop Insurance Corporation.

Approved: March 11, 1955.

J. A. McConnell,
Assistant Secretary.

[F. R. Doc. 55-2175; Filed, Mar. 15, 1955; 8:52 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730-RICE

SUBPART-1955-56 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.609 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1955, through July 31, 1956, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1955–56 marketing year (20 F. R. 28) The Secretary announced (20 F. R. 98) that a referendum would be held on January 28, 1955 to determine whether rice producers were in favor of or opposed to marketing quotas for the

marketing year August 1, 1955, through July 31, 1956. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.609 Proclamation of the results of the Rice Marketing Quota Referendum for the Marketing Year 1955-56. In a referendum of farmers engaged in the production of rice for the 1954 crop held on January 28, 1955, 17,647 farmers voted. Of those voting 15,911 or 90.2 percent favored quotas for the marketing year beginning August 1, 1955. Therefore, rice marketing quotas will be in effect for the 1955-56 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S. C. 1375)

Issued this 11th day of March 1955.

[SEAL] TRUE D. Morse,

Acting Secretary of Agriculture.

[F. R. Doc. 55-2174; Filed, Mar. 15, 1955; 8:52 a. m.]

# TITLE 32—NATIONAL DEFENSE Chapter I—Office of the Secretary of

Defense
Subchapter C-Military Personnel

PART 49—OCCASIONS UPON WHICH THE UNIFORM OF ANY OF THE ARMED FORCES MAY BE WORN BY PERSONS HONORABLY DISCHARGED THEREFROM

Sec. 49.1 Purpose. 49.2 Policy.

AUTHORITY: \$\$ 49.1 and 49.2 issued under E. O. 10554, 19 F. R. 5295.

§ 49.1 Purpose. The purpose of this part is to prescribe the occasions upon which the uniform of any of the Armed Forces may be worn by persons honorably disharged therefrom.

§ 49.2 Policy—(a) Eligibility. Any person who has served honorably in the Army, Navy, Air Force, or Marine Corps, of the United States during war, and whose most recent service was terminated under honorable conditions, shall, although not in the active military service of the United States, be entitled to wear the uniform of the highest grade held during his or her war service upon the following occasions of ceremony.

(1) Military funerals, memorial services, and maugurals.

(2) Patriotic parades on national holidays; or other military parades or ceremonies in which any active or reserve United States military unit is taking part.

Nothing in the foregoing shall prevent the wearing of uniforms when otherwise authorized by law.

(b) Persons awarded the Medal of Honor Persons awarded the Medal of Honor are authorized to wear the unform at any time except as prohibited below.

(c) Occasions upon which prohibited. Wearing of the uniform is prohibited:

(1) At any meeting or demonstration which is a function of, or sponsored by, any organization, association, movement, group, or combination of persons which the Attorney General of the United States has designated as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

(2) In connection with non-military activities of a business or commercial nature.

(3) Under any circumstances which would tend to bring discredit or reproach upon the uniform.

(d) Travel. Authority to wear the uniform includes periods while traveling to and from the ceremony, provided such travel in uniform is performed within 24 hours of the time of the ceremony. When the uniform is worn under the provisions of this instruction by honorably discharged personnel who served during World War II, the Honorable Discharge Emblem shall be worn.

CARTER L. BURGESS, Asstant Secretary of Defense (Manpower and Personnel)

[F. R. Doc. 55-2050; Filed, Mar. 15, 1955; 10:14 a. m.]

# - TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders
[Public Land Order 1089]

#### ALASKA

RESERVING LANDS FOR USE OF ALASKA ROAD COMMISSION AS AN ADMINISTRATIVE SITE, AND FOR USE OF ALASKA RAILROAD FOR RAILROAD PURPOSES; REVOKING PUBLIC LAND ORDER NO. 458 OF MARCH 12, 1948, AND PARTIALLY REVOKING PUBLIC LAND ORDER NO. 824 OF MAY 13, 1952

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914 (38 Stat. 305, 307 48 U. S. C. 303) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby reserved for use by the Alaska Road Commission as an administrative site:

SEWARD MERIDIAN

T. 13 N., R. 3 W.

ANCHORAGE TOWNSITE EAST ADDITION

Blocks 28C and 28D; Blocks 29A, 29B, 29C, and 29D; Block 30A:

Block 30B, lot 2, as shown on amended plat of East Addition to Anchorage accepted May 6, 1953.

The areas described aggregate 13.30 acres.

2. Subject to valid existing rights the following-described public lands are

hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Alaska Railroad for railroad purposes:

A tract of land at Gold Creek Station of the Alaska Railroad, Mileage 263.25, latitude 62°46'00" N., longitude 149°42'30" W., described as follows:

Beginning at a point on the northwesterly right-of-way line of the Alaska Raliroad, 100 feet from the center line of the main track, at survey station 11902-f-70, latitude 62°46′ N., longitude 149°42′30″ W., thence from the point of beginning: N. 26°07′30″ E., 400 feet parallel to and 100 feet from the center line of the main track; N. 63°52′30″ W., 200.0 feet; S. 26°07′30″ W., 400.0 feet; S. 63°52′30″ E., 200.0 feet to the point of beginning.

The tract described contains 1.84 acres.

3. Public Land Order No. 458 of March 12, 1948, reserving the following-described lands, which are a portion of the lands described in paragraph 1 of this order, for use of the Alaska Road Commission is hereby revoked.

SEWARD MERIDIAN

T. 13 N., R. 3 W.,

ANCHORAGE TOWNSITE, EAST ADDITION

Blocks 29A and 29B; Blocks 29C and 29D, the north 200 feet; Block 30A;

Block 30B, lots 3 and 4; as shown on the supplemental plat of the East Addition to Anchorage, approved February 13, 1941.

4. Public Land Order No. 824 of May 13, 1952, so far as it reserves for use of the Alaska Road Commission the following-described lands, which are a portion of the lands described in paragraph 1 of this order, is hereby revoked:

SEWARD MERIDIAN

T. 13 N., R. 3 W.

ANCHORAGE TOWNSITE, EAST ADDITION

Block 28B, lots 1, 2, 3, 4, 7 to 12, inclusive; Block 28C, lots 1 to 6, inclusive, as shown on the supplemental plat of survey approved February 13, 1941.

ORME LEWIS,
Assistant Secretary of the Interior
MARCH 10, 1955.

[F. R. Doc. 55-2138; Flied, Mar. 15, 1955; 8:46 a. m.]

# [Public Land Order 1090]

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE NAVY AS A RIFLE BANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineralleasing laws, and reserved for use of the Department of the Navy as a rifle range.

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 E., Sec. 19, S½, Sec. 30, N½.

The areas described aggregate 642.72 acres.

ORME LEWIS, Assistant Secretary of the Interior. MARCH 10, 1955.

[F. R. Doc. 55-2139; Filed, Mar. 15, 1955; 8:46 a. m.]

# TITLE 47—TELECOMMUNI-CATION

# Chapter I—Federal Communications Commission

[FCC 55-282]

[Rules Amdt. 11-11]

PART 11—INDUSTRIAL RADIO SERVICES

#### LICENSE TERM

In the matter of amendment of § 11.610 of the rules governing the Industrial Radiolocation Service.

At a session of the Federal Communications Commission held at its offices, Washington, D. C., on the 9th day of March 1955;

-The Commission having under consideration the question of the license term to be granted for authorization issued under the provisions of Subpart M of its rules governing the Industrial Radiolocation Service;

It appearing that all outstanding authorizations for the operation of stations in the Industrial Radiolocation Service will expire on July 1, 1955; and that there is no provision for the licensing of stations in this service beyond that termination date;

It further appearing that because the various radiolocation methods may be susceptible of further development, new methods may yet be devised, and the various regulatory requirements which should be incorporated into the rules are, as yet, not all known, it is desirable. pending review of the entire matter by the Commission, to continue the developmental status of the Industrial Radiolocation Service and at the same time provide for the issuance of authorizations for an additional one-year period to July 1, 1956;

It further appearing that no general notice of proposed rule making is required in this matter under section 4 of the Administrative Procedure Act because this amendment merely provides for a continuation for another limited period of an existing licensing policy without any substantive change therein. and that for the same reason the amendment may become effective immediately:

It is ordered, Pursuant to the authority contained in section 4 (i) and 307 (d) of the Communications Act of 1934. as amended, that effective immediately, § 11.604 is amended as follows: Delete the text of § 11.610 and substitute the following:

§ 11.610 License term. Each station authorized to operate in this service will receive a license term of one year from the date of final action on the license application or until July 1, 1956, whichever date is earlier.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S. C. 154. Interprets or applies sec. 307, 48 Stat. 1084; 47 U. S. C. 307)

Released: March 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL]

MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-2167; Filed, Mar. 15, 1955; 8:51 a. m.]

# [Docket No. 11157; FCC 55-280]

[Rules Amdt. 12-8]

PART 12-AMATEUR RADIO SERVICE

CLASSES AND PRIVILEGES OF AMATEUR OPER-ATOR LICENSES: TECHNICIAN CLASS

In the matter of petitions for amendment of Part 12, Amateur Radio Service, concerning Technician Class operator privileges; docket No. 11157.

1. As a result of its consideration of petitions for rule making filed by James M. Price and Tom A. Walker, the Commission adopted the notice of proposed rule making in this proceeding, and it was published in the FEDERAL REGISTER on September 11, 1954, 19 F. R. 5917. The notice proposed amendment of § 12.23 (d) to permit operation by Technician Class amateur operators in all amateur frequency bands above 50 Mc which would have the effect of adding the 50-54 Mc and the 144-148 Mc bands to the privileges presently available to the Technician Class licensee. The petitions of Messrs. Price and Walker proposed addition only of the 50–54 Mc band to the existing privileges for the Technician Class operator.

2. Comment on the proposed amendment was submitted by some 18 amateur organizations and over 125 amateurs individually. In regard to the 50 Mc band, there appears to be substantial expression of approval of provision for Technician Class operator privileges therein.

3. As evidenced by the comment received, there appears to be considerable controversy as to whether technicians should be allowed to operate in the 144 Mc band. Because of the opposition expressed by the American Radio Relay League, and because it does not find the arguments expressed in the comments otherwise decisive, the Commission is hereby dismissing that portion of the proposed amendment having to do with technician privileges in the 144 Mc amateur frequency band.

4. This amendment is issued pursuant to authority contained in sections 4 (i) and 303 (f) (g), and (r) of the Communications Act of 1934, as amended. It is ordered, That effective 3:00 a. m., e. s. t., April 12, 1955, § 12.23 (d) of Part 12, Amateur Radio Service, is amended as set forth below.

(Scc. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303.)

Adopted: March 9, 1955.

Released: March 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

Section 12.23 (d) is amended to read as follows:

§ 12.23 Classes and privileges of amateur operator licenses. \* \*

(d) Technician class. All authorized amateur privileges in the amateur frequency band 50 to 54 Mc and in the amateur frequency bands above 220 Mc.

[F. R. Doc. 55-2168; Filed, Mar. 15, 1955; 8:51 a. m.]

# TITLE 50-WILDLIFE

# Chapter I-Fish and Wildlife Service, Department of the Interior

Subchapter C-Management of Wildlife Conservation Areas

### REVOCATION OF CERTAIN REGULATIONS

Basis and purpose. The following existing regulations are no longer required for one or more of the following reasons and are hereby revoked effective upon publication of this document in the FEDERAL REGISTER;

a. Public hunting, fishing, or trapping has been authorized by administrative action pursuant to 50 CFR 18.11, 18.12, and 18.13.

b. The abandonment of the Thief Valley National Wildlife Refuge, Oregon.

c. Special regulations applicable to a specific national wildlife refuge have been supplanted by the general regulations appearing in 50 CFR Parts 18 and

#### PART 31—PACIFIC REGION

SUPPART—NINE-PIPE AND PABLO NATIONAL WILDLIFE REFUGES, MONTANA

### FISHING

§ 31.251 Fishing permitted (17 F. R. 4493). § 31.252 Licenses (1 P. R. 1171).

\$ 31.253 Routes of travel (17 F. R. 4493). § 31.254 Firearms and fires (1 F. R. 1171). § 31.255 Use of boats prohibited (14 F. R.

7318). § 31.256 Temporary restrictions (14 F. R.

7318). SUBPART-THIEF VALLEY NATIONAL WILDLIFE REFUGE, OREGON

#### FISHING

§ 31.331 Fishing permitted (7 F. R. 5252). § 31.332 State fishing laws (7 F. R. 5252). § 31.333 Fishing licenses and permits (7 F. R. 5252).

§ 31.334 Routes of travel (7 F. R. 5252). § 31.335 Use of motorboats (7 F. R. 5252). § 31.336 Temporary restrictions (7 F. R.

5252).

PART 32-SOUTHWESTERN REGION SUBPART—BEAR RIVER MIGRATORY BIRD REFUGE,

§ 32.2 Entry upon the Refuge (see 14 F. R. 2467).

No. 52-3

§ 32.3 Permit requirements (see 14 F. R.

2467). § 32.4 Domestic animals (see 14 F.R. 2467). § 32.5 Economic utilization of resources (see 14 F. R. 2467).

(see 14 F. R. 2207). § 32.6 Removal of surplus and injurious objects (see 14 F. R. 2467). § 32.7 Specimens for scientific, exhibition,

or propagating purposes (see 14 F. R. 2467). § 32.8 Scientific studies (see 14 F. R. 2467). § 32.9 Application for permits (see 14 F. R. 2467).

§ 32.10 Exhibition of permits (see 14 F. R. 2467).

§ 32.11 Revocation of permits (see 14 F. R. 2467).

#### TRAPPING

§ 32.21 Trapping permitted (5 F. R. 5221). § 32.22 Trapping permits (5 F. R. 5221). § 32.23 Verified statement of residence; State trapping license (5 F. R. 5221).

§ 32.24 Trapping methods; marking traps; scizure of illegal traps and devices (5 F. R.

§ 32.25 Inspection and removal of traps (5

F. R. 5221).
§ 32.26 Disposition of unauthorized animals (5 F. R. 5221).

§ 32.27 Plant life protected (5 F. R. 5221). § 32.28 Share-trapping; division and dis-position of products (5 F. R. 5221). § 32.29 Routes of travel (5 F. R. 5221).

§ 32.30 Report by permittee (5 F. R. 5221). § 32.31 Exhibition and revocation of per-

mits (5 F. R. 5221). § 32.32 Penalties (5 F. R. 5221).

SUBPART-HAVASU LAKE NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

#### PUBLIC USE

§ 32.78 Public use areas (7 F. R. 6150). BOATING

§ 32.79 Boating permitted (7 F. R. 6150). § 32.80 Permits required for the operation of privately owned boats (7 F. R. 6150).

§ 32.81 Wharves, docks, and boathouses (7 F. R. 6150).

§ 32.82 Equipment required for boats (7 F. R. 6150).

§ 32.83 Navigation rules (7 F. R. 6150). § 32.84 Responsibility of owners of boats (7 F. R. 6150).

§ 32.85 Disorderly conduct (7 F. R. 6150).

#### SANITATION

§ 32.88 Sanitary requirements (7 F. R. 6150).

#### PROTECTION OF WILDLIFE

§ 32.89 Protection of wildlife; firearms (7 F. R. 6150).

#### FISHING

§ 32.92 Fishing permitted (7 F. R. 6150). § 32.93 State laws (7 F.R. 6150). § 32.94 Fishing licenses and permits (7 F. R. 6150).

§ 32.95 Routes of travel (7 F. R. 6150).

#### \* REVOCATION OF PERMITS

§ 32.96 Revocation of permits (7 F. R. 6150).

#### PART 33—CENTRAL REGION

SUBPART-UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNE-SOTA, AND WISCONSIN

#### TRAPPING OF MUSKRATS AND MINKS

§ 33.291 Trapping permitted (5 F. R. 4864). § 33.292 Trapping permits (5 F. R. 4864). § 33.293 Verified statement of residence; State trapping license (5 F. R. 4864).

§ 33.294 Provisions of permit; suspension of trapping (5 F. R. 4864).

§ 33.295 Trap tags and fees; limitations (5 F. R. 4864).

§ 33.296 Approved traps; trap inspection and removal; plant life protected (5 F. R. 4864).

§ 33.297 Prohibited methods and acts (5

F. R. 4864). § 33.298 Disposition of unauthorized animals (5 F. R. 4864).

§ 33.299 Reports required (5 F. R. 4864). § 33.300 Penalties (5 F. R. 4864).

#### TRAPPING OF BEAVER

§ 33.301 Beaver trapping permitted (13 F. R. 8311).

§ 33.302 Entry (13 F. R. 8311)

§ 33.303 State trapping laws (13 F. R. 8311). § 33.304 Trapping licenses and permits (13 F. R. 8311)

§ 33.305 Identification of traps (13 F R. 8311).

§ 33.306 Suspension of privileges (13 F. R. 8311).

#### PART 35-NORTHWESTERN REGION

SUBPART-BLACKWATER NATIONAL WILDLIFE REFUGE, MARYLAND

#### TRAPPING

§ 35.2 Trapping permitted (10 F R. 749). § 35.3 Disposition of fur animals (10 F. R. 749).

§ 35.4 Hiring of employees (10 F. R. 749). § 35.5 Designation of trapping areas (10 F R. 749).

§ 35.6 Assignment of trapping units (10

F. R. 749).
§ 35.7 Duties of trappers and other employees (10 F. R. 749).
§ 35.8 Research (10 F. R. 749).

§ 35.9 State trapping laws (10 F. R. 740). § 35.10 Entry to Refuge (10 F R. 749).

Dated: March 10, 1955.

DOUGLAS MCKAY, Secretary of the Interior.

[F. R. Doc. 55-2137; Filed, Mar. 15, 1955; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

# Agricultural Marketing Service [7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED ASPARAGUS

#### EXTENSION OF TIME

Proposed revised United States Standards for Grades of Canned Asparagus were set forth in the notice which was published in the Federal Register on January 29, 1955 (20 F R. 651)

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until June 30, 1955, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revised United States Standards for Grades of Canned Asparagus.

Dated: March 11, 1955.

ROY W LENNARTSON. [SEAL] Deputy Administrator Marketing Services.

[F. R. Doc. 55-2136; Filed, Mar. 15, 1955; 8:45 a. m.]

#### I 7 CFR Part 937 1

[AO-264]

CELERY GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PRO-POSED MARKETING AGREEMENT AND ORDER

#### Correction

In F R. Document 55-1699, appearing in the issue for Saturday February 26, 1955, at page 1217, the word "quantities" appearing in line 3 of § 937.52 (a) should read "qualities."

# CIVIL AERONAUTICS BOARD I 14 CFR Part 41 I

REEVE ALEUTIAN AIRWAYS, INC.

PILOT FLIGHT TIME LIMITATIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authorization granted by Special Civil Air Regulation SR-380 as heremafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communi-

cations should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by March 28, 1955. Copies of such communications will be available after March 30, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Reeve Aleutian Airways, Inc. (RAA), has filed a request for the extension of the authority granted by Special Civil Air Regulation SR-380, which expires on April 1, 1955. Currently effective SR-380 authorizes RAA to schedule pilots to fly in excess of the time allowed by § 41.54 (a) of Part 41 of the civil air regulations over its route between Anchorage and Adak, Alaska.

The history of the authorization granted by SR-380 began with the adoption by the Board of SR-362 on April 27, 1951. The Board adopted SR-362 because it recognized that the operating conditions in Alaska differ in certain material respects from those in other parts of the United States. Accordingly, SR-362 waived until April 1, 1952, the

requirements of § 41.54 (a) of Part 41 to permit RAA to schedule 2 pilots accompanied by a certificated A & E mechanic to fly, without a rest period, for not more than 8 hours and 30 minutes between Anchorage and Adak, Alaska, during any 24 consecutive hours. It also provided that if a pilot was scheduled to fly in excess of 8 hours and 30 minutes during any 24 consecutive hours, he had to be given an intervening rest period at or before the termination of 8 hours and 30 minutes of such flight duty. This rest period had to comply with § 41.54 (a) and, where a pilot had flown in excess of 8 hours and 30 minutes, with § 41.54 (b) Therefore, by this regulation the extension of pilot flight time obviated the necessity for intermediate overnight stops at which military facilities are limited and, in some respects, unsuitable to the needs of civilian passengers and crew members.

In addition, SR-362 provided that each A & E mechanic applying for duty had to be examined by the Administrator with respect to his special knowledge and skill appropriate to the aircraft used by RAA in operations over the Anchorage-Adak route.

Following a request by RAA for the extension of the authority granted by SR-362, a proposal for such an extension was published in the Federal Register and circulated as Draft Release No. 52-6 on March 7, 1952. After considering the comment received, and other available information, the Board extended the authority granted in SR-362 by adopting SR-380, effective March 31, 1952, with an expiration date of April 1, 1955.

RAA has informed the Board that SR-380 has been well suited to its operations. Records indicate that 97 percent of the flights conducted by RAA have been completed within the scheduled 8 hours and 30 minutes permitted by SR-380. Also, the A & E mechanic has been found to aid the pilots materially by performing certain ground duties, thus helping to reduce the possibility of pilot fatigue. In addition, no adverse comment has been received by the Board during the 4 years that this authority has been granted to RAA by SR-380 and its predecessors.

It is the Bureau's opinion that the operating experience acquired by RAA under these special regulations since April 1951 indicates that satisfactory safety standards have been, and can continue to be, maintained by RAA. Furthermore, the factors which caused the Board to grant the regulation initially remain unchanged.

The temporary certificate of public convenience and necessity that RAA had been operating under expired April 8, 1953. However, timely application for renewal was made by RAA and the latter has been operating pursuant to section 9 (b) of the Administrative Procedure Act pending a final determination of the application by the Board. Therefore, although the regulation is being extended for a period of 3 years, it will terminate upon the expiration of RAA's economic operating authority should it not be renewed or should it be significantly changed by the Board.

It is, therefore, proposed to extend the authorization granted by Special Civil Air Regulation SR-380 for a period of 3 years as follows:

1. Notwithstanding the provisions of paragraph (a) of § 41.54 of the civil air regulations, Reeve Aleutian Airways, Inc. (RAA), is authorized to schedule a pilot for flight duty between Anchorage and Adak, Alaska, 8 hours and 30 minutes or less during any 24 consecutive hours, without a rest period during such 8 hours and 30 minutes. If a pilot is scheduled for such flight duty in excess of 8 hours and 30 minutes during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 hours and 30 minutes of his scheduled flight duty. This rest period must comply with the require-ments of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, with the requirements of § 41.54 (b) On these flights the crew shall consist of 2 pilots and a certificated A & E mechanic approved by the Administrator for this duty.

2. The Administrator shall examine each certificated A & E mechanic applying for this duty with respect to his special knowledge and skill appropriate to the aircraft used by RAA in operations over this route before certifying to his competency. The results of this examination shall be a permanent part of RAA's company records.

(a) The knowledge requirements for each applicant shall include the following subjects: Aircraft performance, aircraft engine operation, and their limitations; mathematical computations of aircraft engine operation and fuel consumption, together with basic meteorology as it affects aircraft engine operations; and mathematical computations pertaining to aircraft loading and center of gravity.

(b) The skill requirements for each applicant shall include the following abilities: recognition and repair of malfunctioning aircraft, aircraft engines, propellers, and appliances; and performance of emergency duties and procedures in respect of aircraft engines, propellers, and appliances.

3. This regulation shall supersede Special Civil Air Regulation Serial Number SR-380 and, unless sooner superseded or rescinded by the Board, shall terminate on April 1, 1958, or upon the termination of the economic operating authority of Reeve Alcutian Airways, Inc., whichever shall first occur.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., March 11,

By the Bureau of Safety Regulation.
[SEAL] JOHN M. CHAMBERLAIN,
Director

[F. R. Doc. 55-2180; Filed, Mar. 15, 1955; 8:53 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

I 47 CFR Part 3 1

[Docket No. 11301; FCC 55-295]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606 Table of assignments, rules governing Television Broadcast Stations; Docket No. 11301.

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. Springfield Television Broadcasting Corporation, permittee of television Station WWLP operating on Channel 61 at Springfield, Massachusetts, filed a petition on December 28; 1954, requesting that the Commission's Table of Assignments contained in § 3.606 of its rule governing Television Broadcast Stations be amended to substitute Channel 22 for Channel 61 in Springfield. It is suggested that this change in assignments can be accomplished by making the following changes in the Table:

OI h-	Channel No.		
Clty	Delete	Add	
Boston, Mars Easthampton, Mars Northampton, Mars Springfield-Holyoke, Mars Providence, R. I	20- 35-† 61 •22	33- 61 22 *36-1-	

Petitioner further requests that the Commission issue an Order to Show Cause why its outstanding authorization should not be modified to specify operation on Channel 22 in lieu of Channel 61.

3. In support of its request, petitioner urges that receivers now on the market are less sensitive on the higher UHF channels than on the lower ones; that consequently it is at a competitive disadvantage with other UHF stations in the area which operate on lower channels; that the proposed amendments would conform with the Commission's Rules and standards; and that no existing station or outstanding permits would be affected by the changes. Petitioner also notes than an application for an educational station on Channel 22 at Providence filed by the Board of Education of Rhode Island is pending and is awaiting further action by the Rhode Island Legislature. Petitioner urges that since it is proposed to substitute an equivalent channel for education in Providence, Channel 36, the pendency of the application should not preclude its proposed channel changes to improve an existing operation.

4. The Board of Education, State of Rhode Island and Providence Plantations, on February 18, 1955, filed a Counterproposal and Opposition to the Springfield Television Broadcasting Corporation petition insofar as it would substitute Channel 36 in Providence, Rhode Island, for Channel 22. The Department

of Education urges that Channel 22 is presently assigned and reserved for a noncommercial educational station at Providence; that there has been filed with the Commission an application for such a station (BPET-41) that this request has the support of the educational interests, Governor Roberts and other leading citizens of the State of Rhode Island, and the general public; that there has been great activity and interest in establishing and operating an edu-cational station; and that a bill is pending before the General Assembly providing for an appropriation for such a station. The Board of Education further urges that the service which would be rendered on Channel 22 would begreater than that which could be rendered on Channel 36 and urges that this assignment should be retained in Providence. It is suggested that in the event Channel 36 is deleted from Northampton, as proposed by Springfield Television, Channel 36 may be assigned to Springfield in order that Station WWLP may shift from Channel 61 to Channel 36 as follows: 1

	Channel No.			
City	Delete	Add		
Easthampton, Mass Northampton, Mass Springfield-Holyoke, Mass	36+ 61	61 36+		

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views and the Commission may be apprised of such views prior to taking further action. The petition of Springfield Television Broadcasting Corporation and the Counterproposal and Opposition of the Board of Education are hereby made part of this docket.

6. Any interested party who is of the opinion that the amendments proposed' by the petitioners should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 4, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comment may be filed on or before April 11, 1955. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comment appears to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. Springfield Television Broadcasting Corporation is presently authorized to

operate Station WWLP on Channel 61 at Springfield. The amendments proposed in this proceeding would substitute either Channel 22 or Channel 36 for Channel 61 in Springfield. Accordingly, Springfield Television Broadcasting Corporation is Ordered To Show Cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 22 or Channel 36 in place of Channel 61. A reply in writing to the aforesaid Order to Show Cause should be filed on or before the same date for filing comments in this proceeding.

8. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 301, 303 (c), (d), (f), and (r) 307 (b) and 316 of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 9, 1955. Released: March 10, 1955.

[SEAL]

FEDERAL COMMUNICATIONS

COMMISSION. MARY JANE MORRIS

Secretary.

[F. R. Doc. 55-2166; Filed, Mar. 15, 1955; 8:51 a. m.1

# NOTICES

# DEPARTMENT OF THE INTERIOR

### **Bureau of Land Management**

[850523]

CALIFORNIA

REVOCATION OF ORDER OPENING LANDS UNDER FOREST HOMESTEAD ACT

MARCH 9, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the order described below opening lands in the Klamath National Forest for entry under the act of June 11, 1908, as amended (34 Stat. 233; 16 U. S. C. 506-509) is hereby revoked as to the following-described lands:

[Forest List No. 5-2941; date of order of opening: January 20, 1920]

#### HUMBOLDT MERIDIAN

T. 13 N., R. 6 E., Sec. 4, Lots 1 and 5, E½SW¼NE¼, W½ W½SE¼NE¼, SW¼NW¼SW¼, NW¼ SW¼SW¼,

¹ This proposal conflicts with the proposal of WKNY-TV Corporation (see Notice of Proposed Rule Making and Order to Show Cause, FCC 55-89, Docket 11261) since the separation between the reference points of Sec. 34, SE¼SE¼NW¼, S½NE¼SE¼ NW¼, E½SW¼SE¼NW¼, SE¼NW¼ SE¼NW¼.

The areas described aggregate 153.05

W G. GUERNSEY, Associate Director

[F. R. Doc. 55-2140; Filed, Mar. 15, 1955; 8:46 a. m.]

#### COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Atomic Energy Commission has filed an application, Colo. 08967, dated July 9, 1954, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws.

The applicant desires the land to carry out the objectives of the Atomic

Energy Act of 1946, as amended. For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management. Department of the Interior.

Springfield (WWLP), on Channel 36 and Poughkeepsie (WKNY-TV) on Channel 21 is below the required 75 miles for stations on 15 channels removed (Picture Image).

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO T. 46 N., R. 16 W.,

Sec. 4: SE'4NW'4, S'4NE'4, NE'4SE'4, W'4SW'4, and Lots 1, 2, and 3; Sec. 5: S'4N'2, S'4, and lots 2, 3, and 4; Secs. 6 to 9 inclusive;

Secs. 16 and 17;

Sec. 18: E1/2, E1/2 W1/2, and lots 1, 2, and 3; Secs. 20 and 21.

T. 47 N., R. 16 W.

Sec. 18: E1/2SW1/4, and lots 3 and 4:

Sec. 19:

Sec. 20: W1/2NW1/4, E1/2NE1/4, and S1/4. Secs. 29 to 33, inclusive.

T. 47 N., R. 17 W.,

Sec. 1; Sec. 12;

Sec. 13: E1/2.

Approximately 12,760 acres.

MAX CAPLAN, State Supervisor

March 7, 1955.

[F. R. Doc. 55-2141; Filed, Mar. 15, 1955; 8:46 a. m.]

#### COLORADO'

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Atomic Energy Commission has filed an applicaion, Colo.-08976, dated July 16, 1954, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but not the mineral leasing laws.

The applicant desires the land to carry out the objectives of the Atomic Energy

Act of 1946, as amended.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management. Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 44 N., R. 19 W.,

Sec. 34: 5½, Sec. 35: 5½.

T. 43 N., R. 19 W.,

Sec. 2: S1/2NW1/4, Lots 3 and 4; Sec. 3: All;

Sec. 4: SE¼, S½NE¼, Lots 1 and 2; Sec. 9: All.

T. 43 N., R. 18 W.,

Sec. 26: W1/2,

Sec. 27: All; Sec. 33: E½.

Sec. 34 and 35: All.

T. 42 N., R. 18 W.,

Secs. 1, 2, and 3: All;

Sec. 11: NE¼, Sec. 12: All.

T. 42 N., R. 17 W.,

Sec. 6: W1/2 Sec. 7:: NW1/4.

Approximately 8,160 acres.

MAX CAPLAN. State Supervisor

MARCH 8, 1955.

[F. R. Doc. 55-2142; Filed, Mar. 15, 1955; 8:46 a. m.1

## Bureau of Mines

[Administrative Order 709]

ASSISTANT DIRECTOR FOR HELIUM ACTIVITY

REDELEGATION OF AUTHORITY TO EXECUTE CONTRACTS FOR SALE OF HELIUM

1. Pursuant to the authority delegated to the Director, Bureau of Mines by Secretary's Order No. 2302 of March 13, 1947 (12 F. R. 1840) as amended February 26, 1955, by Amendment No. 1 to Order 2302 (20 F. R. 1349) final authority to execute contracts for the sale of helium is redelegated to the Assistant Director for Helium Activity, except that where the Assistant Director or any official of the Bureau connected with the sale of helium has information or reason to believe that the helium is to be (a) exported; (b) used in airship flights to foreign countries; or (c) used for novel industrial purposes, the Assistant Director shall transmit to the Secretary of the Interior, through the Director, Bureau of Mines, all relevant papers, together with any evidence that he or any officials of the Bureau connected with the sale of helium may have concerning the proposed use of the helium and the prospective purchaser or purchasers. In addition, he shall specify whether he believes the provision for liquidated damages referred to in 30 CFR 1.14 (c) should be invoked, and if so, the amount of such damages.

2. The Assistant Director for Helium Activity may, by written order published in the Federal Register, redelegate to the Chief of Helium Operations the authority granted in this order.

3. Paragraph (c) of section 03.2 Execution and Approval of Contracts of Administrative Order 486-C is hereby revoked.

Dated: March 8, 1955.

JOHN J. FORBES. Director. Bureau of Mines.

[F. R. Doc. 55-2143; Filed, Mar. 15, 1955; 8:47 a. m,]

# DEPARTMENT OF COMMERCE

**Bureau of Foreign Commerce** 

[Case 85]

CARL LOHMAN JANIK

ORDER TERMINATING DENIAL ORDER

In the matter of Carl Lohman Janik, 346 Sound Beach Avenue, Old Greenwich, Conn., respondent; Case No. 95.

The respondent, Carl Lohman Janik, having heretofore by order dated December 26, 1950, published December 30. 1950, 15 F. R. 9531, been suspended from and denied all export privileges for the duration of export controls, and the respondent having taken an appeal therefrom to the Appeals Board, Department of Commerce, and said appeal having on May 4, 1951, been dismissed without prejudice, and the respondent having on May 5, 1953, refiled an appeal with the Appeals Board and said Board having duly considered said appeal and having by order dated May 12, 1953, published May 19, 1953, 18 F. R. 2888, suspended the operation of the denial order for a period of one year and having further ordered that said denial order be terminated at the expiration of such oneyear period provided that during such one-year period the respondent shall not have committed any further violation of the Export Control Act or the regulations thereunder, or of the decretal provisions of said denial order, and it now appearing that the respondent has complied with the terms and conditions of the Appeals Board's order and that he has not during such one-year period, or thereafter, knowingly violated any provision of the Export Control Act or any regulations thereunder, or of the terms and conditions of the denial order; It is hereby ordered, That the order dated December 26, 1950, 15 F. R. 9531,

be and the same is hereby terminated and set aside.

Dated: March 11, 1955.

JOHN C. BORTON, Director Office of Export Supply.

[P. R. Doc. 55-2165; Filed, Mar. 15, 1955; 8:50 a. m.]

### CIVIL AERONAUTICS BOARD

[Docket No. 6599 et al.]

DOMESTIC TRUNKLINE SERVICE MAIL RATE CASE

NOTICE OF POSTPONEMENT OF HEARING.

Notice is hereby given that hearing in the above-entitled proceeding, assigned for March 14, 1955, is postponed and will be held on March 28, 1955, at 10:00 a. m., e. s. t., in Conference Room B, Departmental Auditorium, Twelfth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Dated at Washington, D. C., March 11, 1955.

[SEAL]

FRANCIS W. BROWN, Chief Examiner.

[P. R. Doc. 55-2176; Filed, Mar. 15, 1955; 8:53 a. m.1

[Docket Nos. 6921, 6922]

KLM Foreign Permit Renewal Case

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the pre-hearing conference in the above-entitled proceeding now assigned to be held on March 16, is postponed to March 18, 1955. This conference will be held at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue N.W., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 11, 1955.

[SEAL]

FRANCIS W. BROWN, Chief Examiner.

[F. R. Doc. 55-2177; Piled, Mar. 15, 1955; -8:53 a. m.]

[Docket No. 6999] \*

CONSOLIDATED AIR FREIGHT, INC.

NOTICE OF HEARING

In the matter of the application of Consolidated Air Freight, Inc., under sections 408 and 409 of the Civil Aeronautics Act, as amended, for Board approval of certain common control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 17, 1955, at 10:00 a.m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

**NOTICES** 1590

1955.

[SEAL]

FRANCIS W. BROWN, Chief Examiner

[F. R. Doc. 55-2178; Filed, Mar. 15, 1955; 8:53 a. m.1

[Docket No. SA-303]

ACCIDENT OCCURRING NEAR ALBUQUERQUE, N. Mex.

#### NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 40416, which occurred near Albuquerque, New Mexico, on February 19, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on March 24, 1955, at 9:00 a. m., local time, in the Alvarado Hotel, Albuquerque, New Mexico.

Dated at Washington, D. C., March 9, 1955.

[SEAL]

HAROLD G. CROWLEY, Presiding Officer

8:53 a. m.]

### FEDERAL POWER COMMISSION

[Docket Nos. G-2512, G-2513]

CITIES OF SYLVANIA AND STATESBORO, GA. NOTICE OF FINDINGS AND ORDERS

MARCH 10, 1955.

In the matters of City of Sylvania, Georgia, Docket No. G-2512; City of Statesboro, Georgia, Docket No. G-2513.

Notice is hereby given that on February 25, 1955, the Federal Power Commission issued its findings and orders adopted February 23, 1955, directing physical interconnection of facilities and sale of natural gas in the above-entitledmatters.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 55-2159; Filed, Mar. 15, 1955; 8:49 a. m.]

[Docket Nos. G-2764, G-2818, G-3893, G-4715, G-4923, G-4984, G-6397, G-6398, G-6401, G-6445]

COLORADO-WYOMING GAS CO. ET AL. NOTICE OF FINDINGS AND ORDERS

March 10, 1955.

In the matters of Colorado-Wyoming Gas Company, Docket No. G-2764, United Gas Pipe Line Company, Docket No. G-2818; F A. Callery, Inc., Docket No. G-3893; The Texas Company, Docket No. G-4984; V A. Liberto, Docket No. G-6397; J. W King, Docket No. G-6398; W M. Tittle, Docket No. G-6401, D. W Skelton, Docket No. G-6445 Southern Natural Gas Company and Tennessee Gas Transmission Company, Docket No.

Dated at Washington, D. C., March 11, G-4715, Texas Gas Transmission Corporation, Docket No. G-4923.

Notice is hereby given that on February 25, 1955, the Federal Power Commission issued its findings and orders adopted February 23, 1955, Issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2160; Filed, Mar. 15, 1955; 8:49 a. m.]

[Docket Nos. G-4333, G-6621, G-6822, G-77731

PHILLIPS PETROLEUM CO. AND SUNRAY OIL CORP.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES

MARCH 10, 1955.

In the matters of Phillips Pétroleum Company, Docket No. G-4333; Phillips Petroleum Company, Docket No. G-6621, Sunray Oil Corporation, Docket No. G-6822; Phillips Petroleum Company, Docket No. G-7773.

Notice is hereby given that on February 25, 1955, the Federal Power Commission issued its orders adopted February [F. R. Doc. 55-2179; Filed, Mar. 15, 1955; ary 23, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2161; Filed, Mar. 15, 1955; 8:49 a. m.1

[Docket No. G-2719]

TOWN OF WOODLAND, GA.

NOTICE OF FINDINGS AND ORDER

March 9, 1955.

Notice is hereby given that on February 25, 1955, the Federal Power Commission issued its order adopted February 23, 1955, in the above-entitled matter, directing Southern Natural Gas Company to sell and deliver natural gas to Town of Woodland, Georgia, Docket No. G-2719.

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2146; Filed, Mar. 15, 1955; 8:47 a. m.]

[Docket Nos. G-2773, G-3048, G-3240, G-3242, G-4428, G-4451, G-4453, G-4551-4555, G-4641, G-4673, G-4674, G-4690, G-4798, G-4844, G-4848, G-4927, G-4936, G-5741]

> JUSTISS-MEARS OIL CO. ET AL. NOTICE OF FINDINGS AND ORDERS

> > MARCH 9, 1955.

In the matters of Justiss-Mears Oil Company, et al., Docket No. G-2773; Creslenn Oil Company, et al., Docket No. G-3048; Rowan Oil Company, Docket Nos. G-3240 and G-3242; M. M. Argo, Docket No. G-4428; Massey Oil and Gas Company, Docket No. G-4451, C. W

Beecher and L. W Beecher, Docket No. G-4453; the Carter Oil Company, Docket Nos. G-4551, G-4552, G-4553, G-4554 and G-4555; S. H. Killingsworth, et al., Docket No. G-4641, Perry Gas Company, Docket Nos. G-4673 and G-4674; the Atlantic Refining Company, Docket No. G-4690 Millstone Development Company, Docket No. G-4798; M and M Drilling Corporation, et al., Docket No. G-4844; Fryer and Hanson Drilling Company, Docket No. G-4848; Scandola Oll & Gas Company, Docket Nos. G-4927 and G-4936; L. D. Nutter, Agent for V B. McConkey Lease, Docket No. G-5741.

Notice is hereby given that on February 28, 1955, the Federal Power Commission issued its findings and orders adopted February 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2154; Filed, Mar. 15, 1955; 8:48 a. m.]

[Docket No. G-3175]

PHILLIPS PETROLEUM Co.

NOTICE OF ORDER TERMINATING PROCEEDING

MARCH 9, 1955.

Notice is hereby given that on March 8, 1955, the Federal Power Commission issued its order adopted February 23, 1955, in the above-entitled matter, terminating proceeding insofar as it relates to the suspension of Supplement No. 3 to Phillips' FPC Gas Rate Schedule No. 20.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2147; Filed, Mar. 15, 1955; 8:47 a. m.]

[Docket Nos. G-4280-G-4283]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

NOTICE OF ADVANCEMENT OF DATE FOR HEARING

March 4, 1955.

In the matters of Natural Gas Pipeline Company of America, Docket No. G-4280; Mid-Continent Petroleum Company, Docket No. G-4281, Warren Petroleum Corporation, Docket No. G-4282; Oil Drilling, Inc., et al., Docket No.

By notice issued on February 8, 1955. the above-entitled matters were consolidated for hearing on March 8, 1955;

By notice issued March 3, 1955, the said hearing was continued to April 5,

Notice is hereby given that the hearing in said matters now scheduled for April 5, 1955, is advanced to March 10, 1955, at 10:00 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2150; Filed, Mar. 15, 1955; 8:47 a. m.]

[Docket Nos. G-4331, G-4332]

Union Oil Company of California and Louisiana Land and Exploration Co.

NOTICE OF POSTPONEMENT OF HEARING

March 4, 1955.

By order issued on February 3, 1955, in the above-entitled matters, the Commission consolidated proceedings and fixed the date for hearing on March 8, 1955;

By notice issued February 16, 1955, the said hearing was continued until further notice;

By notice issued February 25, 1955, the said hearing was scheduled to commence at 10:00 a.m., e. s. t., March 21, 1955;

Notice is hereby given that the hearing in said matter now scheduled for March 21, 1955, is postponed to June 20, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2151; Filed, Mar. 15, 1955; 8:47 a. m.]

[Docket No. G-5918]

FOREST GAS AND OIL CO.

NOTICE OF FINDINGS AND ORDER

March 9, 1955.

Notice is hereby given that on February 25, 1955, the Federal Power Commission issued its order adopted February 23, 1955, in the above-entitled matter, directing Ohio Fuel Gas Company to sell and deliver natural gas to The Forest Gas and Oil Company, Docket No. G-5918.

[SEAL]

Leon M. Fuquay, Secretary.

'[F. R. Doc. 55-2148; Filed, Mar. 15, 1955; 8:47 a. m.]

[Docket No. G-6854]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF DATE OF HEARING

March 9, 1955.

Texas Gas Transmission Corporation (Applicant) a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed an application on December 21, 1954, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate facilities and to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission for public inspection. Notice of said application has been duly published in the Federal Register on February 17, 1955 (20 F R. 1040-41)

Applicant proposes:

(1) To increase firm deliveries to The Ohio Fuel Gas Company (Ohio Fuel) by 39,650 Mcf per day and, simultaneously therewith, reduce interruptible deliveries

under Texas Gas' IS-4 Rate Schedule from 75,000 Mcf to 35,000 Mcf per day;

(2) To serve the entire estimated requirements of the Horseshoe System of Indiana Gas & Water Company, Inc. (Indiana Gas) through the facilities proposed herein, which will enable Texas Gas to meet its delivery obligations set forth in the presently effective executed service agreement between Texas Gas and Indiana Gas directly through its (Texas Gas') facilities; and

(3) To serve the increased firm requirements for the 1955-56 winter of its present customers, other than Ohio Fuel,

in the amount of 50,833 Mcf.

Applicant requests authority to construct and operate the necessary facilities to render the additional service above-described. These proposed facilities are:

(1). Approximately 77.64 miles of 26inch pipe;

(2) Approximately 13.61 miles of 20inch pipe;

(3) Approximately 73.9 miles of 12-inch pipe;

(4) Approximately 37 miles of 10-inch

(5) Approximately 5 miles of 8-inch pipe;

(6) 22,600 compressor horsepower; and

(7) Two sales meter stations.

Items (1) and (2) are loops to existing lines. Items (3) (4), and (5) constitute a new lateral to serve the "Horseshoe System" of Indiana Gas and Water Company, Inc., an existing customer. Item (6) includes 18,100 horsepower in existing stations and 4,500 horsepower in a new station at Riverton, Louislana. These proposed facilities will be located in the States of Louislana, Mississippl, Tennessee, Kentucky, and Indiana.

The total overall cost of the proposed facilities is estimated to be \$17,498,519. Applicant proposes to finance the construction of such facilities through the sale of \$18,000,000 of First Mortgage Bonds and from each on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 24, 1955, at 10:00 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f))

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-2152; Filed, Mar. 15, 1955; 8:48 a. m.]

[Docket No. ID-1252]

VINCENT J. WALSH

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

MARCH 9, 1955.

Notice is hereby given that on February 28, 1955, the Federal Power Commission isued its order adopted February 23, 1955, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-2149; Filed, Mar. 15, 1955; 8:47 a. m.]

[Project No. 2170]

CHUGACH ELECTRIC ASSOCIATION, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

March 8, 1955.

Public notice is hereby given that Chugach Electric Association, Inc., of Anchorage, Alaska, has filed application under the Federal Power Act (16 U.S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2170 to be located on Cooper Lake and Kenai Lake or River on Kenai Peninsula in the Third Judicial Division, Territory of Alaska, about 68 miles south of Anchorage, and to consist of one of three alternative projects, all of which involve diverting water from Cooper Lake. Two of the projects would consist of an earth fill dam at the outlet of Cooper Lake, a conduit and penstock to a powerhouse near the mouth of Cooper Creek or a tunnel and penstock to a powerhouse at Kenai Lake. The third alternative project would consist of a tunnel and penstock from Cooper Lake to a powerhouse at Kenai Lake. A drawdown of 30 feet below natural lake level would provide a usable storage of about 57,000 Installations range from acre-feet. 9,000 to 12,000 kilowatts of capacity and the heads from 687 to 800 feet. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is April 21; 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, Secretary.

[P. R. Doc. 55-2153; Filed, Mar. 15, 1955; 8:48 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11202—11204; FCC 55M-215] MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Miners Broadcasting Service, Inc., Ambridge, Bennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

The Commission having under consideration the above-entitled proceeding:

It appearing that counsel have agreed to a continuance for the convenience of the Hearing Examiner, due to conflict in her hearing schedule;

It is ordered, This 8th day of March 1955, that the hearing herein, now scheduled for March 28, 1955, is hereby continued until May 2, 1955, at 10:00 a.m., It is further ordered, That the pre-

It is further ordered, That the prehearing conference, previously scheduled herein, shall be held on March 18, 1955, at 9:00 a.m., as scheduled.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,

Secretary.
[F. R. Doc. 55-2169; Filed, Mar. 15, 1955; 8:51 a. m.]

[Docket Nos. 11287—11289; FCC 55M—223]

EL MUNDO, INC., ET AL.

ORDER CONTINUING PRE-HEARING
CONFERENCE

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce De Leon Broadcasting Co., Inc. of P R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911, for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on March 10, 1955, on behalf of Ponce De Leon Broadcasting Company Inc. of P. R., requesting that the pre-hearing conference in the above-entitled proceeding, now scheduled to be held on March 11, 1955, be continued without date; and

It appearing that on March 9, 1955, the Commission received a letter, dated March 7, 1955, from the Executive Vice President and General Manager of Supreme Broadcasting Company, Inc., another applicant in the above-entitled proceeding, requesting that the said prehearing conference be indefinitely continued due to the fact that prior commitments make it impossible for the representatives of that applicant to attend the said pre-hearing conference on March 11, 1955; and

It further appearing from the motion under consideration that Ponce De Leon Broadcasting Company, Inc. of P. R., and El Mundo, Inc., are desirous of cooperating with Supreme Broadcasting Company, Inc., in postponing the said prehearing conference, and that counsel for the Broadcast Bureau of the Federal Communications Commission has consented to a grant of the said motion; and

It further appearing that in view of the fact that all of the parties to the proceeding have consented to a grant of the motion under consideration, a waiver of the requirements of § 1.745 of the Commission's rules, relating to the timely filing of motions, would be warranted;

It is ordered, This 10th day of March 1955, that the above motion be, and it is hereby, granted, and that the pre-hearing conference now scheduled to be held on March 11, 1955, is hereby continued without date.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-2170; Filed, Mar. 15, 1955; 8:51 a. m.]

[Docket No. 11299; FCC 55-292]

BELOIT BROADCASTERS, INC. (WBEL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Beloit Broadcasters, Inc. (WBEL) Beloit, Wisconsin, for modification of license; Docket No. 11299, File No. BML-1599.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of March 1955;

The Commission having under consideration the above-entitled application for modification of license to change the studio designation of Station WBEL from Beloit, Wisconsin, to Beloit, Wisconsin-Rockford, Illinois,

It appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 31, 1954, that the business and industrial areas of Rockford, Illinois, would not be included in the 25 millivolt per meter contour of Station WBEL as recommended by the Commission's Engineering Standards: that § 3.30 (b) of the Commission's rules provides that stations will be licensed to serve more than one city only where a satisfactory showing is made that all requirements of the rules and Engineering Standards are met with respect to the two cities; and that the Commission, therefore, was unable to conclude that a grant of the subject application would be in the public inter-

It further appearing that in a reply dated October 4, 1954 the applicant requested that the Commission grant a waiver of § 3.30 (b) or in lieu thereof designate the application for hearing; and

It further appearing that the Commission, after consideration of the reply is unable to conclude that a waiver of § 3.30 (b) would be in the public interest

and is of the opinion that a hearing is necessary, and

It further appearing that Rockford Broadcasters, Inc., licensee of Station WROK, Rockford, Illinois; and the Rock River Broadcasting Company, licensee of Station WRRR, Rockford, Illinois; filed petitions on August 30 and November 26, 1954, respectively, requesting that the Commission designate the subject application for hearing because WBEL's proposal did not comply with § 3.30 (b) of the Commission's rules; and

It further appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station WBEL as proposed;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the subject proposal would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing a signal intensity of 25 mv/m over the business and industrial areas of both Beloit, Wisconsin and Rockford, Illinois.

2. To determine whether in light of the evidence adduced pursuant to the foregoing issue the operation proposed by Station WBEL would serve the public interest, convenience and necessity.

It is further ordered, That Rockford Broadcasters, Inc., licensee of Station WROK, Rockford, Illinois; and the Rock River Broadcasting Company, licensee of Station WRRR, Rockford, Illinois, aro made parties to the proceeding.

Released: March 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-2171; Filed, Mar. 15, 1955; 8:52 a. m.]

[Docket No. 11300; FCC 55-293] ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, for construction permit; Docket No. 11300, File No. BP-9546.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of March 1955;

The Commission having under consideration the above-entitled application for a construction permit to increase the power of Station WKPA, New Kensington, Pennsylvania from 250 watts to 1 kilowatt and install, a directional antenna with operation on 1150 kilocycles, daytime only

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate Station

WKPA as proposed, but that the application may involve interference with Station WWVA, Wheeling, West Virginia; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated January 19, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that timely replies were filed by the subject applicant and Station WWVA stating that they would participate in a hearing on the

application; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is

necessary

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKPA as proposed and the availability of other primary service to

such areas and populations.

2. To determine whether the operation of Station WKPA as proposed would involve objectionable interference with Station WWVA, Wheeling, West Virginia, or with any other existing station, and, if so, the nature and extent of such interference.

3. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of Station WKPA as proposed would serve the public interest, convenience and neces-

sity.

It is further ordered, That the Storer Broadcasting Company, licensee of Station WWVA, Wheeling, West Virginia, is made a party to the proceeding.

Released: March 10, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
MARY JANE MORRIS

[SEAL]

MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2172; Filed, Mar. 15, 1955; 8:52 a. m.]

#### [Change List 175]

#### MEXICAN BROADCAST STATIONS

- LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

JANUARY 25, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

No. 52-4

Call letters	<b>Location</b> - ಫ	Power	An- tenna	Sched- ule	Class	Proposed date of change or commence ment of operation
		CO kilocycles				
New	Rio Verde, San Luis Pótosi	100 W	ND	D	IV	June 25, 1955
		000 kilocycles				
XEHK	Guadalajara, Jalisco (increase power)	1 kw D/250 w N	ND	ד	IV	Mar. 25, 1935
		1240 bilocycles				
XEBN	Cd. Delleias, Chihuahua (increase power).	1D/230 w N	ND	σ	IV	Do.
New	Martinez de la Torre, Veracruz	250 w D/100 w N	ND	ד	IV	June 25, 1935
		1420 Ellocycles				
XEWE	Irapuato, Guanajuato (increase power)	5 kw D/175 w N	ND	ਹ	IA	Mar. 25, 1955
		1400 kilocycles				
XEHX	Ciudad Obregon, Sonora (increase power).	1 kw D/250 w N	ND	ਹ	IV	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-2173; Filed, Mar. 15, 1955; 8:52 a. m.]

# FOREIGN OPERATIONS ADMINISTRATION

#### CONTROLLER

DELEGATION OF AUTHORITY TO SIGN BUDGET AND FISCAL DOCUMENTS AND FOR OTHER PURPOSES

The delegation of authority to sign budget and fiscal documents and for other purposes dated November 26, 1954 (19 F. R. 8049) is hereby amended by adding the following subparagraph n at the end of paragraph 2:

n. Approvals, determinations or other actions on behalf of the Director as authorized or required by FOA regulation 1.

This amended delegation shall be effective as of November 26, 1954.

Dated: March 9, 1955.

D. A. FITZGERALD,
Acting Director
Foreign Operations Administration.

[F. R. Doc. 55-2155; Filed, Mar. 15, 1955; 8:48 a. m.]

DIRECTORS AND ACTING DIRECTORS OF U. S. OPERATIONS MISSIONS

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS AND OTHER DOCUMENTS UNDER PROGRAMS ADMINISTERED BY FOREIGN OPERATIONS ADMINISTRATION

The delegation of authority to Directors and Acting Directors of United States Operations Missions dated November 26, 1954 (19 F. R. 8049), is hereby amended by adding the following sentence at the end of the first paragraph: "The authority so delegated may be redelegated to the Deputy Director of each United States Operations Mission and to one other member of the Mission Staff designated by the Director of each such Mission."

This amended delegation shall be effective as of November 26, 1954.

Dated: March 9, 1955.

D. A. FITZGERALD,
Acting Director
Foreign Operations Administration.

[F. R. Doc. 55-2156; Filed, Mar. 15, 1955; 8:48 a. m.]

# HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER, REGION IV (CHICAGO)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES OR OTHER OBLIGATIONS EVIDENCING LOANS MADE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, INDICATING ACCEPTANCE OF SUCH INSTRUMENTS AND PAYMENT THEREFOR

The Regional Administrative Officer, Region IV, Chicago, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U.S.C., 1952 ed. and Sup. I 1450-1460) which legend mdicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specifled in the particular legend.

(Reorg. Plan 3 of 1947, 61 Stat. 954; 62 Stat. 1268, 1263-85 (1948), as amended, 12 U. S. C., 1952 ed. 1701c; Delegation of authority, 20 P. R. 556 (Jan. 25, 1955))

Effective as of the 7th day of March tively, northwest of Fort Worth, and (b) between San Antonio, Tex., and points

JOHN P. McCollum,
Acting Regional Administrator.
[F. R. Doc. 55-2164; Filed, Mar. 15, 1955;
8:50 a. m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 51]

MOTOR CARRIER APPLICATIONS

March 11, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions; or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor, carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the Federal Register. If a protest is received prior to action being taken, it will be considered.

# APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2226 Sub 88, RED ARROW FREIGHT LINES, INC., P O. Box 4067, 1415 Conti St., Houston 14, Tex. Applicant's attorney Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a common carrier over regular and irregular routes, transporting: Government-owned compressed gas trailers, loaded or empty, and compressed gas moving in government-owned compressed gas trailers (1) between (a) Fort Worth, Tex., on the one hand, and, on the other, the sites of the army bomber assembly plant and anchorage and dock space located approximately six miles and nine miles, respec-

\* ...

between San Antonio, Tex., and points within mine miles of San Antonio, and (2) from, to, and between all points presently authorized to be served in the performance of regular route operations in and through Texas as described in Gertificates Nos. MC 2226, dated May 9, 1950, MC 2226 Sub 85, dated July 16, 1951, and MC 2226 Sub 86, dated August 7, 1951. The applicant is presently operating over all of the above-referred to presently authorized routes in the transportation of general commodities. with certain exceptions, and also over irregular routes between points as specified under (1) (a) and (b) above in the transportation of general commodities, with certain exceptions, but is not presently specifically authorized to transport the commodities named in this application.

No. MC 23980 Sub 9, ARIZONA EX-PRESS, INC., 56 East 5th St., Tucson, Ariz. For authority to operate as a common carrier over regular routes, transporting: Class A and B explosives, between (1) Phoenix, Ariz., and Fort Huachuca, Ariz., over U. S. Highway 80 from Phoenix to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction Arizona Highway 82 about three miles northwest of Tombstone, Ariz., thence over Arizona Highway 82 to junction Arizona Highway 92, thence over Arizona Highway 92 to junction unnumbered highway, thence over said unnumbered highway to Fort Huachuca, and return over the same route, serving the intermediate points of the Davis Monthan Air Force Base, and Tucson, Ariz., and (2) Phoenix, Ariz., and the Yuma Test Station near Yuma, Arız., over U. S. Highway 80 from Phoenix to Yuma, Arız., thence over Arizona Highway 95 to the Yuma Test Station, and return over the same route, serving the intermediate point of the Army Air Base near Yuma, Ariz. The applicant is presently operating over all of the route specified under (1) above, excepting that small portion over unnumbered highway between junction Arizona Highway 92 and Fort Huachuca, Ariz., in the transportation of general commodities, with certain exceptions but is not presently authorized to transport Class A and B explosives.

No. MC 42487 Sub 293, CONSOLIDATED FREIGHTWAYS, INC., 2029
N. W Quimby Street, Portland, Oreg. Applicant's attorney W S. Pilling, 2029
N. W Quimby Street, P O. Box 3618, Portland 8, Oreg. For authority to operate as a common carrier transporting: Class A and B explosives, serving Roy's Cartage Company parking lot located one-half mile west of U. S. Highway 66A on Caton Farm Road, approximately two miles north of Joliet, Ill., and Welco Service Station parking lot located at junction U. S. Highways 66 and 66A, approximately sixteen miles southwest of Chicago, Ill., as off-route points in connection with carrier's regular route operations between Janesville, Wis., and Harvard, Ill., and between Rice Lake, Wis., and Chicago, Ill. Applicant is authorized to conduct operations in

California, Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. No. MC 50002 Sub 22, T. CLARENCE BRIDGE AND HENRY W BRIDGE, doing business as BRIDGE BROTHERS.

No. MC 50002 Sub 22, T. CLARENCE BRIDGE AND HENRY W BRIDGE, doing business as BRIDGE BROTHERS, 610 West Elm Street, Post Office Box 588, Lamar, Colo. Applicant's attorney C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a common carrier, over irregular routes, transporting: Liquefled chemical fertilizer in bulk, in tank vehicles, between points in Colorado.

No. MC 50002 SUB 23, T. CLARENCE BRIDGE AND HENRY W BRIDGE, doing business as BRIDGE BROTHERS, 610 West Elm Street, Post Office Box 588, Lamar, Colo. Applicant's attorney C. Zimmerman 503 Schweiter Building, Wichita 2, Kansas. For authority to operate as a common carrier, over irregular routes, transporting: Liquefled chemical fertilizer in bulk, in tank vehicle, between points in Kansas.

No. MC 50002 Sub 24, T. CLARENCE BRIDGE AND HENRY W BRIDGE, doing business as BRIDGE BROTHERS, 610 West Elm Street, Post Office Box 588, Lamar, Colo. Applicant's attorney C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a common carrier, over irregular routes, transporting: Liquefied chemical fertilizer, in bulk, in tank vehicles, between points in Colorado, Kansas, Nebraska, Wyoming, that portion of Oklahoma on and north of U. S. Highway 60 and on and west of U. S. Highway 183, Pryor, Okla., and points within fifteen (15) miles thereof, and Etter, Tex., and points within five (5) miles thereof.

No. MC 52858 Sub 44 (amended) Pub-10. MC 52656 Sth 44 (taleinted) Fub-lished on page 1162 of issue of February 24, 1955, CONVOY COMPANY, a cor-poration, 3900 NW Yeon Ave., Portland 10, Oreg. Applicant's attorney Marvin Handler, 464 California St., San Fran-cisco 4, Calif. For authority to operate as a common carrier, over irregular routes, transporting Motor vehicles, and damaged shipments thereof, not including commercial or house trailers in secondary movements, in truckaway service. between points in Minnesota, on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Oregon, Washington, Idaho, and Montana, excepting no authority is sought to transport (a) new automobiles from Duluth. and Minneapolis, Minn. to points in Crook, Weston, Campbell, Johnson, Sheridan, Washakie, Hot Springs, Big Horn, Park, and Teton Counties, Wyo., and (b) automobiles, trucks, or trailers from Duluth, Brainerd, Hibbing, Minneapolis, and St. Paul, Minn. to points in Montana. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 58152 Sub 5, OGDEN & MOF-FETT COMPANY, 3565 24th Street, Port Huron, Mich. Applicant's attorney' Robert E. DesRoches, 572 Hollister Building, Lansing 8, Mich. For authority to operate as a common carrier, over irregular routes, transporting: Salt, in

packages and containers, salt, in bulk and in special equipment, and empty containers and spoiled salt, between Detroit and Port Huron, Mich., and ports of entry on the International Boundary Line between the United States and Canada at Detroit and Port Huron, Mich., on the one hand, and, on the other, points in Michigan, Ohio, Indiana and Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

No. MC 74721 Sub 51, MOTOR CARGO, INC., 700 Carroll Street, Akron 4, Ohio. Applicant's attorney Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a common carrier over a regular route, transporting: General commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Bedford interchange of the Pennsylvania Turnpike and Hancock, Md., from the Bedford interchange of the Pennsylvania Turnpike over U.S. Highway 220 to Cumberland, Md., thence over U.S. Highway 40 to Hancock, Md., and return over the same route, serving the intermediate point of Cumberland, Md., and serving the terminal for purposes of joinder only. RESTRICTION: Service is subject to the limitation that no shipments shall be transported over the above-described route (a) between any two points, both of which are east of a straight line drawn through Buffalo, N. Y., and Pittsburgh, Pa., to Charlestown, W Va., or (b) between the Pittsburgh, Pa., Commercial Zone, as defined by the Commission, and points east thereof. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

No. MC 92983 Sub 118, ELDON MIL-LER. INC., 330 East Washington, Iowa City, Iowa. For authority to operate as a common carrier over irregular routes, transporting: Vegetable oils, vegetable oil products, and blends thereof, in bulk, ın tank vehicles, between Evadale, Ark., and Carthage, Mo. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Nebraska, New

York, and Pennsylvania.

No. MC 96129 Sub 1, CARLTON REP-SHER, R. D. No. 1 Laceyville Pa. For authority to operate as a contract carrier over regular routes, transporting: Fertilizer in bags, (1) from Kearney, N. J., to Laceyville, Pa., from Kearney, N. J., over New Jersey Highway 17 to Newark, N. J., thence over U. S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 6, and thence over U.S. Highway 6 to Laceyville, Pa., serving no intermediate points; (2) from Paulsboro, N. J., to Laceyville, Pa., from Paulsboro, N. J., over U. S. Highway 130 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to Camden, N. J., thence

across the Delaware River Toll Bridge to Philadelphia, Pa., thence over U.S. Highway 309 to junction Pennsylvania Highway 12 at Center Valley, Pa., thence over Pennsylvania Highway 12 via Bethlehem, Pa., to junction Pennsylvania Highway 115 at Stockertown, Pa., thence over Pennsylvania Highway 115 to junction Pennsylvania Highway 12, north of Saylorsburg, Pa., thence over Pennsylvania Highway 12 to Bartonsville, Pa., thence over U.S. Highway 611 to junction U.S. Highway 6, and thence over U. S. Highway 6 to Laceyville, Pa., serving no intermediate points; (3) from Laceyville, Pa., to Towanda, Pa., over U.S. Highway 6, serving no intermediate points; empty containers or other such incidental facilities (not specified) used in transporting the commodity specified in this application, over the above-specified routes (1) from Laceyville, Pa., to Kearney and Paulsboro, N. J., and (2) from Towanda, Pa., to Laceyville, Pa.

No. MC 96165 Sub 2, THOMAS DEL FARNO, 10 Ward Avenue, Pawtucket Station, North Providence, R. I. For authority to operate as a common carrier, over irregular routes, transporting: Granite and granite products, from Uxbridge, Mass., to points in Rhode Island, Connecticut, New York, and New Jersey.

No. MC 102616 Sub 607, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney Beverley S. Simms, 1624 Eye St., NW., Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Lignin liquor, in bulk, in tank vehicles; from York Haven, Pa., to Leslie, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 102616 Sub 608, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney Beverley S. Simms, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a common carrier over irregular routes, transporting: Liquid petroleum wax, in bulk, in tank vehicles, from Philadelphia, Pa., to Cincinnati, and Dayton, Ohio, Detroit, Mich., Indianapolis, Ind., and Mabscott, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massa-chusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 103370 Sub 40, BEST MOTOR LINES, a corporation, 2511 Swiss Avenue, Dallas, Tex. Applicant's attorney Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a common carrier, transporting: General commodities, except loose bulk commodities, livestock, Class A and B explosives, currency, bullion, articles of virtu, commodities deemed contaminated and injurious to other lading, and those which exceed ordinary equipment and loading facilities, between junction Missouri Highway 43 and U.S. Highway 60 at Seneca, Mo., and Springfield, Mo.,

over U.S. Highway 60, serving no intermediate points, and serving Seneca, Mo., for joinder purposes only, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between (a) Akron, Ohio, and Dallas, Tex., (b) St. Louis, Mo., and Dallas, Tex., and (c) Springfield, Mo., and Joplin, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Missouri, Ohio, Oklahoma and Texas.

No. MC 103378 Sub 36, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney · Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a common carrier, over irregular routes, transporting: (a) Acids, in bulk, in tank trucks, from Jacksonville, Fla., to points in Georgia within 200 miles of Jacksonville, and (b) alcohol, benzine, toluene, xylene, and acetone, in bulk, in tank trucks, from Atlanta, Ga., to points in South Carolina, Tennessee, and Alabama. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, and South Carolina.

No. MC 103435 Sub 64, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak. Applicant's attorney Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a common carrier, over regular routes, transporting: Class A and B explosives and general commodities, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Sterling, Colo., and junction of U.S. Highways 30 and 77, from Sterling, Colo., over U.S. Highway 138 to junction with U.S. Highway 30, and thence over U. S. Highway 30 to junction with U. S. Highway 77, and return over the same route, serving no intermediate points and serving Sterling, Colo., and junction of U.S. Highways 30 and 77 for joinder purposes only (2) between Sioux City. Iowa and Minneapolis, Minn., from Sloux City, Iowa over U. S. Highway 75 to junction with Iowa Highway 33, thence over Iowa Highway 33 to Iowa-Minnesota State line, thence over Minnesota Highway 60, to Mankato, Minn., and thence over U.S. Highway 169 to Minneapolis, Minn., and return over the same route, serving no intermediate points and serving Sloux City, Iowa for joinder purposes only. (3) between Columbus, Nebr., and junction of U.S. Highways 81 and 20, from Columbus, Nebr., over U.S. Highway 81, to junction with U.S. Highway 20, and return over the same route, serving no intermediate points, and serving Columbus, Nebr., and the junction of U.S. Highways 81 and 20, for joinder purposes only (4) between North Platte, Nebr., and Valentine, Nebr., from North Platte, Nebr., over U. S. Highway 83 to Valentine, Nebr., and return over the same route, serving no intermediate points, and serving North Platte, Nebr., and Valentine, Nebr., for joinder purposes only; (5) between the junction of Nebraska Highways 19 and 87, and Hay Springs,

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Nebr., from junction of Nebraska Highways, 19, and 87 over Nebraska Highway 87 to Hay Springs, Nebr., and return over the same route, serving no intermediate points, and serving the junction of Nebraska Highways 19 and 87, and Hay Springs, Nebr., for joinder purposes only (6) between Gordon, Nebr., and junction of South Dakota Highway 75 and U. S. Highway 18, from Gordon, Nebr., over Nebraska Highway 27 to South Dakota-Nebraska State line, and thence over South Dakota Highway 75 to junction with U.S. Highway 18, and return over the same route, serving no intermediate points, and serving Gordon, Nebr., and the junction of South Dakota Highway 75 and U.S. Highway 18 for joinder, purposes only; (7) between Sioux Falls, S. Dak., and Worthington, "Minn., from Sioux Falls, S. Dak., over U. S. Highway 16 to Worthington, Minn., and return over the same route, serving no intermediate points and serving Sioux Falls, S. Dak., and Worthington, Minn., for joinder purposes only.

RESTRICTION: The carrier states that no points are to be served other than as presently authorized over regular routes except for joinder purposes, and authority to be restricted against the use of these routes for the movement of traffic between points in Colorado, on the one hand, and, on the other, points in Nebraska, Sioux City, Iowa, and against movement of traffic between points, in Minnesota, on the one hand, and, on the other, Sioux City, Towa, and Omaha, Nebr. Applicant is authorized to conduct operations in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah and

Wyoming.

No. MC 106398 Sub 25, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla... For authority to operate as a common carrier over irregular routes, transporting: House trailers, cabin trailers and bungalow trailers designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Kansas City, Mo., and points within twenty-five (25) miles thereof, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 26, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a common carrier, over irregular routes, transporting: House trailers, cabin trailers, bungalow trailers and mobile homes, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Cortland, Ohio, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 27, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a common carrier, over irregular routes, transporting: House trailers, cabin trailers, and bungalow trailers designed to be drawn by passenger automobiles, in initial movements in truck-

away service, from Boise, Idaho, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC: 107064 Sub. 10, FERGUSON-STEERE MOTOR COMPANY, a Texas corporation, 2808 Fairmount Avenue, P. O. Box 2998, Dallas 21, Tex. Applicant's attorney. E. E. Kidwell, Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a common carrier over irregular routes, transporting. Petroleum and petroleum products, in bulk, in tank vehicles, between points in Arizona. Applicant is authorized to conduct operations in New Mexico and Texas.

No. MC 107064 Sub 11, FERGUSON-STEERE MOTOR COMPANY, For authority to transport same commodity as Sub 10, between points in Arizona, on the one hand, and, on the other, points in New Mexico.

No. MC 109689 Sub 25, W S. HATCH CO., a Utah Corporation, Woods Cross, Utah. Applicant's attorneys: Marr, Wilkins & Cannon, 920 Continental Bank Bldg., Salt Lake City 1, Utah. For authority to operate as a common carrier over irregular routes, transporting: Road oil, petroleum asphalt, and fuel oil, in bulk, in tank vehicles, from points in Salt Lake, and Davis Counties, Utah, to points in Idaho, and contaminated shipments of the above commodities on return. Applicant is authorized to conduct operations in Nevada, Oregon, and Utah.

No. MC 109877 Sub 5, E. L. BROOKS, D. L. BROOKS AND R. C. BROOKS. doing business as E. L. BROOKS & SON, 609 14th Street SE., Puyallup, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a common carrier, over irregular routes, transporting: Clay products, such as brick, tile, pipe, and flue lining, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, (1) between Clayton, Dishman, Granger, and Mica, Wash., on the one hand, and, on the other, points in Oregon, and (2) between points within 10 miles of Portland, Oreg., including Portland, on the one hand, and, on the other, points in Clark, Cowlitz, and Lewis Counties, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC: 110325 Sub 6, TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. Applicant's attorney Lee Reeder, Suite 1010, 1012 Baltimore Avenue, Kansas City 6, Mo. For authority to operate as a common carrier, over regular routes, transporting: Empty gas cylinder semi-trailers, owned by the United States Government or its contractors, and loaded gas cylinder semi-trailers, owned by the United States Government or its contractors, (1) between Albuquerque, N. Mex., and Los Angeles, Calif., as follows: from Albuquerque, over U.S. Highway 85 to Las Cruces, N. Mex., thence over U. S. Highway 80 to Road Forks, N. Mex., thence over New Mexico Highway 14, via Steins, N. Mex., to the New Mexico-Arizona State line, thence over Arizona Highway 86 to Benson; Ariz., thence over U. S.

Highway 80 to Tucson, Ariz., thence over Arizona Highway 84 to Picacho, Ariz., thence over Arizona Highway 87 to Mesa, Ariz., thence over U. S. Highway 60 to Los Angeles, and return over the same route, serving all intermediate and offroute points located within thirty (30) miles of Los Angeles, and those in New Mexico, Arizona, and California, and (2) between Albuquerque, N. Mex., and Chicago, and Harvey, Ill., and Concordia, Kans., and Huntington, Ind., as follows: (a) from Albuquerque over U. S. Highway 85 to Springer, N. Mex., thence over New Mexico Highway 58 to Clayton, N. Mex., thence over New Mexico Highway 18 to junction unnumbered New Mexico Highway, near Moses, N. Mex., thence over unnumbered New Mexico Highway to the New Mexico-Oklahoma State line, thence over unnumbered Oklahoma Highway, via Mexhoma and Wheeless, Okla., to junction U.S. Highway 64, east of Wheeless, thence over U.S. Highway 64, via Boise City, Okla, to Guymon, Okla., thence over U.S. Highway 64 junction U.S. Highway 81, thence over U. S. Highway 81 to El Reno, Okla., (also from Guymon over Oklahoma Highway 3 to junction U.S. Highway 270, thence over U. S. Highway 270 to El Reno), thence over U.S. Highway 66 to Oklahoma City, Okla., thence over U.S. Highway 77 to Augusta, Kans., thence over U. S. Highway 54 to Wichita, Kans., thence return over U.S. Highway 54 to Augusta, thence over U.S. Highway 77 to El Dorado,, Kans., thence over U. S. Highway 54 to Iola, Kans., thence over U. S. Highway 59, via Ottawa, Kans., to junction U.S. Highway 50, thence over U. S. Highway 50 to Kansas City, Mo., (also from Oklahoma City over U. S. Highway 66 to Tulsa, Okla., thence over U. S. Highway 75 to junction U. S. Highway 166, thence over U.S. Highway 166 to Coffeyville, Kans., thence over U. S. Highway 169 to Iola, Kans., thence to Kansas City, Mo., as specified above, (b) from Albuquerque, over the above-specified route to Kansas City, Mo., thence over U. S. Highway 169 to St. Joseph, Mo., thence over U. S. Highway 36 to Cameron, Mo., (also from Kansas City, Mo. over U. S. Highway 69 to Cameron), thence over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to Chicago, (also from Springfield over U. S. Highway 66 to Gardner, Ill., thence over Alternate U. S. Highway 66 to junction U. S. Highway 66, thence over U. S. Highway 66 to Chicago) (c) from Albuquerque, N. Mex., as specified above to Kansas City, Mo., thence over U.S. Highway 24, via Rushville, Ill., to El Paso, Ill., thence over U.S. Highway 51 to Mendota, Ill., thence over U.S. Highway 34 to Chicago, (also from Rushville over U.S. Highway 67 to Monmouth, Ill., thence over U.S. Highway 34 to junction U.S. Highway 6, thence over U.S. Highway 6 to Harvey, Ill.) (d) from Albuquerque, over the above-specified route to St. Joseph, Mo., thence over U. S. Highway 36 to Belleville, Kans., thence over U. S. Highway 81 to Concordia, (e) from Albuquerque over the above-specified route to El Paso, Ill., thence over U. S. Highway 24 to Huntington, and return over the same routes, serving all intermediate points in New Mexico, those in Oklahoma

between the New Mexico-Oklahoma State line and Oklahoma City serving the intermediate points of Bartlesville, Collinsville, Tulsa, Ponca City, Perry, Enid, El Reno, and Guthrie, Okla., and the off-route point of Nowata, Okla., the intermediate points of Ottawa, Iola, Chanute, Coffeyville, Eureka, El Dorado, Winfield, Augusta, Arkansas City, and Wichita, Kans., and intermediate and off-route points located within five (5) miles of Wichita: intermediate and offroute points located in the Kansas City, Mo.-Kans., Commercial Zone as defined by the Commission, including Kansas City, Mo., intermediate and off-route points located within thirty (30) miles of Oklahoma City, including Oklahoma. City, those in the Chicago, Ill., Commercial Zone as defined by the Commission; serving El Paso, Ill., as a point of joinder only and the off-route points of Coal City, Aurora, Rockford, and Pekin, Ill.

Note: It is intended that the authority to be issued hereunder will be issued to the applicant and not to the lessor whose operating rights are presently leased by the applicant under MC-FC 31319-A. However, if the Commission should require it, the applicant will accept a certificate containing a condition that the authority granted will continue to exist in applicant's name, but will terminate if the lease under which it presently operates is terminated for any reason other than by the purchase of the leased rights from the lessor by the applicant.

No. MC 111397 Sub 12, WADE E. DAVIS, doing business as DAVIS TRANSPORT, 2812 Kentucky Ave., P O. Box 539, Paducah, Ky. For authority to operate as a common carrier over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, moving under Government bills of lading, from the River Terminal at Birds Point, Mo., to the Milan Arsenal, Milan, Tenn. Applicant is authorized to conduct operations in Kentucky, Missouri, and Tennessee.

No. MC 111401 Sub 56, GROENDYKE TRANSPORT, INC., 2204 North Grand, P O. Box 632, Enid, Okla. For authority to operate as a common carrier over irregular routes, transporting: Acids and chemicals, coal tar products, fertilizer solutions, vegetable oils, animal fats and oils, naval stores and molasses, in bulk, in tank vehicles, between points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah and Wyoming.

No. MC 111623 Sub 3, SCHWERMAN TRUCKING CO., OF OHIO, a corporation, 620 South 29th Street, Milwaukee, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a contract carrier over irregular routes, transporting: Cement and mortar from Superior, Ohio to points in Kentucky and West Virginia within 150 miles of Superior, Ohio. Applicant is authorized to conduct operations in Ohio, Indiana and Kentucky.

No. MC 112020 Sub 7, E. W SCHEN-ECKER AND J. R. BOSWELL, doing business as COMMERCIAL OIL TRANS-PORT, 1030 Stayton St., P. O. Box 1895, Fort Worth, Texas. Applicant's attorney Leroy Hallman, First National Bank Building, Dallas 2, Texas. For authority to operate as a common carrier, over rregular routes, transporting: Vegetable oils, in bulk, in tank vehicles, from points in Nebraska and Iowa, except Clinton, Iowa to points in Texas and Oklahoma. Applicant is authorized to conduct operations in Louislana, Arkansas, Oklahoma, Kansas and Texas.

No. MC 112046 Sub 31, COLLETT TANK LINES, a corporation, 758 West 14th North, Salt Lake City, Utah. For authority to operate as a common carrier over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from points in Orange County, Calif., to points in Utah, points in Malheur County, Oreg., and those located in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties, Idaho. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.

No. MC 112520 Sub 4. SOUTH STATE OIL CO., a Florida Corporation, New Quincy Road, P O. Box 161, Tallahassee, Fla. Applicant's attorney Dan R. Schwartz, Suite 713 Professional Bldg., Jacksonville 2, Fla. For authority to operate as a common carrier, over irregular routes, transporting; Liquid paper mill products and liquid paper mill byproducts, and products produced therefrom, including but not limited to liquid waste neutral salts, pinene, pulp mill liquid, salt cake solution (spent acid), sulphate black liquor skimmings, turpentine, and waste liquor, in bulk, in tank vehicles, between points in Florida west of the eastern boundaries of Madison and Taylor Counties, Fla., all points in Alabama on and south of U.S. Highway 80, and all points in Mississippi on and south of U.S. Highway 80. Applicant is authorized to conduct operations ın Alabama, Florida, and Mississippi.

No. MC 113779 Sub 11, YORK INTER-STATE TRUCKING, INC., 8222 Market Street Road, Houston 15, Tex. For authority to operate as a common carrier, over irregular routes, transporting: Liquid commodities of all kinds and types, in bulk, in tank vehicles, between points in Texas. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 113952 Sub 2, HARVEY SERV-ICE, INC., 6001 West State Street, Milwaukee 13, Wis. For authority to operate as a contract carrier, over fregular routes, transporting: Electric refrigerators, electric freezers, conventional and automatic washers and conventional and automatic dryers, gas mowers and electric power mowers, refrigerator units, gas stoves and electric stoves, and electric ironers, and damaged shipments of the above-specified commodities, between Milwaukee, Wis., and points in Lake, McHenry, Boone, Winnebago, and Stephenson Counties,

No. MC 114105 Sub 3, (Amended), published in the February 24, 1955, issue of the Februar Register, page 1164. JOSEPH N. HEVERIN, doing business as HEVERIN TRANSPORTATION, 9-17 College Place, College Point, Long Island, N. Y. Applicant's representative:

Charles H. Trayford, 155 East 40th Street, New York 16, N. Y For authority to operate as a common carrier over irregular routes, transporting: Fresh frozen bakery products, from New York and Port Chester, N. Y., and Marysville and Harrisburg, Pa., to Mobile, Ala., Fort Lauderdale, Jacksonville, Miami, Orlando, Pensacola and St. Petersburg. Fla., Atlanta, Augusta, Columbus, Macon and Savannah, Ga., Chicago, Ill., Fort Wayne, Indianapolis and South Bend, Ind., Louisville, Ky., Bangor and Portland, Maine, Bay City, Detroit, and Jackson, Mich., Kansas City, Mo., Buffalo, Jamestown and Rochester, N. Y., Charlotte, Greensboro and Raleigh, N. C., Akron, Cleveland, Cincinnati, Columbus, Dayton and Youngstown, Ohio, Altoona, Easton, Pittsburgh and Sunbury, Pa, Columbia, S. C., Chattanooga, Knoxville, Memphis and Nashville, Tenn., Houston, Tex., Bristol, Norfolk, Richmond, Roa-noke and Winchester, Va., and Milwaukee, Wis., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified, and returned unsalable bakery products, on return movement. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 114317 Sub 1, STEVEN CVETAN AND JOSEPH CVETAN, doing business as CVETAN BROS., R. F. D., Ringoes, N. J. Applicant's attorney Robert Watkins, 170 South Broad Street, Trenton, N. J. For authority to operate as a contract carrier over irregular routes, transporting: Fertilzers, fertilizer materials, meat scrap, bone meal, mixed poultry feed, and mixed animal feed, from Philadelphia, Pa., to points in Hunterdon, Mercer, Middlesex, Morris and Somerset Counties, N. J.

No. MC 114890 Sub 1, C. E. REY-NOLDS, 2209 Range Line, Post Office Box 331, Joplin, Mo. Applicant's Attorney Stanley P. Clay, 209 Joplin National Bank Building, Joplin, Mo. For authority to operate as a common carrier over irregular routes, transporting: Refined petroleum products, in bulk, (1) from Cosseyville, Kans., to Wellington and Osborn, Mo., and (2) from Arkansas City, Kans., to Springfield, Mo., lubricating oil, in containers, from Cleveland Okla., to Joplin, Pierce City, and Seneca, Mo., petroleum products, in truckload lots, from Enid, Cleveland, Cushing, and Blackwell, Okla., to points in Kansas on and south of U.S. Highway 40: petroleum products, in bulk, in tank vehicles, (1) from Cleveland, Sand Springs, and Tulsa, Okla., and Coffeyville, Kans. to St. Joseph and Berger, Mo., and points in that part of Missouri on and south of U.S. Highway 54, from the Kansas-Missouri State line to Camdenton, Mo., and on and west of Missouri Highway 5 from Camdenton to the Missouri-Arkansas State line, and to points in Missouri on U.S. Highway 71 between Nevada and Harrisonville, Mo., those on Missouri Highway 35 between junction Missouri Highway 35 and U.S. Highway 71, and Clinton, Mo., those on U.S. Highway 54 between Camdenton and Mexico, Mo., those on U.S. Highway 63 between Jefferson City and Columbia, Mo., those on U.S. Highway 66 between

Lebanon and Cuba, Mo., those on U.S. Highway 63 between Rolla and Licking, Mo., those on Missouri Highway 72 between Rolla and Salem, Mo., those on Missouri Highway 28 between junction Missouri Highway 28 and U.S. Highway 66 and junction Missouri Highway 28 and U.S. Hhighway 63 (three (3) miles south of Vienna, Mo.) those on U.S. Highway 63 between junction Missouri Highway 28 and U. S. Highway 63 and Westphalia, Mo., and those on Missouri Highway 19 between Cuba and Hermann, Mo., including service at each of the named Missouri points; (2) from Coffey-ville, Kans., to Birch Tree, Hartville; Houston, Licking, Mountain Grove, Mountain View, Montier, Raymondville, Salem, Success, Summersville, Thayer, and Willow Springs, Mo., and (3) from Coffeyville and El Dorado, Kans., to Cabool, Mo., sulphure acid, in bulk, in tank vehicles, (1) from Galena, Kans., to points in Missouri, Arkansas, and Oklahoma within 250 miles of Galena, and (2) from Atlas, Mo., to points in Arkansas, Kansas and Oklahoma within 250 miles of Galena, Kans., and to Trenton, Mo.

Note: Applicant is authorized in Permits Nos. MC 86928 and MC 86928 Sub 18, dated February 3, 1950, and January 14, 1953, respectively, and in proceeding under Docket No. MC 86928 Sub 19, to transport the above-specified commodities in the territory described above. Authority is being sought to convert applicant's present contract carrier authority to that of a common carrier, and is in lieu of the authority now held by the applicant. Concurrently with the issuance of the certificate applied for herein, the contract carrier operations should be revoked.

No. MC 115003 Sub 1, SAM GINS-BERG, doing business as LAMAR EQUIPMENT & SUPPLY COMPANY, 2150 S. Church St., Paris, Tex. Applicant's attorney T. S. Christopher, 807 Continental Life Bldg., Fort Worth 2, Tex. For authority to operate as a common carrier over irregular routes, transporting: Sand, gravel, and crushed stone, from points in Choctaw County, Okla, to points in Lamar, Delta, Fannin, and Red River Counties, Tex. Applicant is authorized to conduct operations in Oklahoma and Texas.

No. MC 115180, ONLEY REFRIGERATED TRANSPORTATION, INC., 345
West 14th Street, New York, N. Y. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City 6, N. J. For authority to operate as a common carrier over irregular routes, transporting: Sea foods, fruits, vegetables, and poultry, dressed or cold packed, from Boston and Gloucester, Mass., Baltimore, Crisfield, and Fruitland, Md., and Exmore and Winchester, Va., to Altoona and Pittsburgh, Pa., frozen sea foods, frozen poultry, frozen fruits, frozen vegetables, and frozen meat, (1) between Altoona, Pa., on the one hand, and, on the other, points in New York, and New Jersey in the New York, N. Y. Commercial Zone, as defined by the Commission, and those in that part of New Jersey on, south, and east of U. S. Highway 1 (except those points in Middlesex County, N. J.) and (2) from Altoona, Pa., to Boston, Mass.; frozen

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foods, between Altoona, Pa., on the one hand, and, on the other, points in Rhode Island, Connecticut, Massachusetts, Delaware, Virginia, Maryland, West Virginia, Ohio, Indiana, Missouri, Kentucky, Tennessee, Illinois, Michigan, North Carolina, Iowa, New Jersey (except points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N. J.) and New York (except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.) glass tubing and flare cups, between Altoona, Pa., and Corning, N. Y., Plaster board, lime, and cement, from Genoa, Ohio, and Oakfield, N. Y., to Altoona, Pa., frozen sea foods, from points in Maryland, Massachusetts, and Virginia, to points in Pennsylvania, fresh oysters, clams and scallops, from points in Maryland, Masachusetts, and New York (except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.) to points in Pennsylvania, poultry, dressed, fresh or frozen, from points in Delaware, Virginia, and West Virginia, to points in Pennsylvania, meat, fresh or frozen, from points in Iowa and Illinois, to points in Pennsylvania, butter cheese, and oleomargarine, from points in Il-linois, Indiana, New York (except points in Dutchess, Nassau, Putnam, Suffolk, Westchester, Kings, Queens, Richmond, New York, and Bronx Counties, N. Y.) and Ohio, to points in Pennsylvania; stationery, and paper and pulpboard school supplies, from Huntingdon, Pa., to Bridgeport, Hartford, Meriden, New Haven, Norwalk, Stamford, and Waterbury, Conn., Chicago and Peoria, Ill., Fort Wayne and Indianapolis, Ind., Boston, Springfield, and Worcester, Mass., Ann Arbor, Detroit, Flint, and Pontiac, Mich., Buffalo, Rochester, and Syracuse, N. Y., Akron, Cambridge, Canton, Cincinnati, Cleveland, Columbus, Spring-field, Steubenville, Toledo, Youngstown, and Zanesville, Ohio, and Providence, R. I., chocolate, in bulk, from Boston, Mass., to Altoona, Pa., paper cups and paper wrappers; from Milwaukee, Wis., to Altoona, Pa., candy and confections, excluding molded chocolate, (1) from Altoona, Pa., to St. Louis, Mo., Chicago, Ill., Detroit, Mich., Columbus, Ohio, Mason City, Iowa, and Roanoke, Va., and (2) between Altoona, Pa., and Boston, Mass., meats, meat products, and meat by-products (except meat, fresh or frozen) dairy products (except butter, cheese, and oleomargarine), and articles distributed by meat-packing houses, as defined by the Commission in Ex Parte No. MC 38, from Chicago, Ill., and other Illinois points located in the Chicago, Ill. Commercial Zone, as defined by the Commission to points in Pennsylvania, and paper, paper products, and loose leaf-binders and covers; from Roaring Spring, Pa., to Bridgeport, Hartford, Meriden, New Haven, Norwalk, and Stamford, Conn., Chicago. Ill., Indianapolis, Greensburg, Vin-cennes, and Kokomo, Ind., Ann Arbor, Detroit, and Pontiac, Mich., and Cam-

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field, Steubenville, Toledo, and Zanesville. Ohio.

Note: Applicant is authorized in Permits Nos. MC 103392, MC 103392 Sub 2, MC 103392 Sub 3, MC 103392 Sub 6, MC 103392 Sub 10, MC 103392 Sub 10, MC 103392 Sub 10, MC 103392 Sub 11 and MC 103392 Sub 12, all permits issued under date of March 24, 1952, to transport the above-specified commodities in the territory described above. Authority is being sought to convert applicant's present contract carrier authority to that of a common carrier, and is in lieu of the authority now held by the applicant. Concurrently with the issuance of the cortificate applied for herein, the contract carrier operations should be revoked.

No. MC 115187, ROY M. FLYGARE, 1540 Highway 10 East, Billings, Mont. For authority to operate as a common carrier over irregular routes, transporting: used house trailers, designed to be drawn by passenger automobiles, equipped with accessories and contents (owner's furniture, fixtures and personal property) in towaway service, between points in Montana, Wyoming, North Dakota, South Dakota, Idaho, Colorado, and Utah.

No. MC 115203, CROWN TRANSPORT, INC., 507 NW 7th, Camas, Wash. Applicant's attorney William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a common carrier over a regular route, transporting: Pulp (wood) from Camas, Wash., to St. Helens, Oreg., over U. S. Highway 830 from Camas to Vancouver, Wash., thence over U. S. Highway 99 to Portland, Oreg., thence over U. S. Highway 30 to St. Helens, and thence return over the same route with no transportation for compensation; and no service to intermediate points.

No. MC 115208, ARTHUR R. KRULL, doing business as THE A-R-K VAN SERVICE, 2529 No. Edgemere, Phoenix, Ariz. For authority to operate as a common carrier, over irregular routes, transporting: Horses, other than ordinary, and in connection thorewith, personal effects of attendants, equipment, supplies and mascots used in the care and exhibition of such animals, between points in Arizona, New Mexico, Colorado, Nebraska, Kansas, Oklahoma, Texas, Arkansas and California.

No. MC 115209, WALTER PIERCE, doing business as PIERCE & SON, 935 Holly Street, San Carlos, Calif. Applicant's attorney John Waldier, 733 Laurel Street, San Carlos, Calif. For authority to operate as a contract carrier over a regular route, transporting: Nuts, candy, and edible foods (such as potato chips, corn chips, cheese nibbles, salted corn, toasted corn, pretzels, soda crackers, fried pork skins, marshmallows, and salted nuts), in bags, cartons and cans, which are manufactured or distributed by Granny Goose Foods, and racks and display material used in the sale and promotion of the above products, from Oakland, Calif., to Reno, Nev., over U. S. Highway 40, serving no intermediate points, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application, from Reno, Nev., to Oakland, Calif. bridge, Columbus, Cincinnati, Spring-, over the above-specified route.

No. MC 115213, KENNETH OLIVER and JOHN McCRAW doing business as O & M LUMBER TRANSPORT, Waldron, Ark. Applicant's attorney Hugh M. Bland, Fort Smith, Ark. For authority to operate as a common carrier, over irregular routes, transporting: lumber from points in Scott and Montgomery Counties, Ark., to points in Oklahoma, Texas, Missouri, and Kansas; and return with empty containers or other such incidental facilities (not specified) used in transporting lumber.

No. MC 115215, NEW TRUCK LINES. INC., 155 South Edgewood Ave., Jacksonville, Fla. For authority to operate as a common carrier over irregular routes, transporting: Lumber and forest products, foreign or native wood, Canadian or Mexican wood, treated or nontreated, rough or dressed, including laths, poles, and logs, loose or in bundles, or in packages, from points in North Carolina, South Carolina, Georgia, Tennessee, and Alabama, to points in Florida, and citrus pulp and citrus meal, pelletized or compressed, mixed with molasses or syrup, ammoniated or non-ammoniated, in bags, sacks, cartons, or loose, from points in Florida to points in North Carolina, South Carolina, Georgia, Tennessee, and Alabama.

No. MC 115231, CROUCH BROS., INC., Transport Bldg., St. Joseph, Mo. Applicant's attorney Clarence D. Todd, Suite 944, Washington 5, D. C. For authority to operate as a common carrier over regular and irregular routes, transporting: Canned goods, from Chicago, Ill., to Kansas City, Kans., as follows: From Chicago over U.S. Highway 66 to Chenoa, Ill., thence over U.S. Highway 24 to junction U.S. 36 (west of Hannibal, Mo.) thence over U.S. Highway 36 via Cameron, Mo., to St. Joseph, Mo., thence over U. S. Highway 71 to Kansas City. Mo., and thence over U.S. Highway 69 to Kansas City. From Chicago over U. S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City. Return, with no transportation for compensation except as otherwise authorized over these routes to Chicago. Serving to and from the intermediate points of St. Joseph and Kansas City, Mo., unrestricted, and from the intermediate and off-route points of Washington, Eureka, Blue Island, and Morton, Ill., restricted to pick-up only. From Freeport, Morrison, Dixon, Hoopeston, and Effingham, Ill., to St. Joseph and Kansas City, Mo., and Kansas City, Kans., as follows: From Freeport, Morrison, Dixon, Hoopeston and Effingham, Ill., over irregular routes to junction the above-specified regular routes, and thence as specified above via St. Joseph and Kansas City, Mo., to Kansas City, with no transportation for compensation on return except as otherwise authorized. Service is authorized to and from the intermediate points of St. Joseph and Kansas City, Mo. REGU-LAR ROUTES: Hardware, From Chicago, Ill., to St. Joseph, Mo.. From Chicago to St. Joseph as specified above, with no transportation for compensation on return, except as otherwise authorized. Service is not authorized to or

from intermediate points. With persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate meat-packing businesses, for the transportation of the commodities indicated, and in the manner specified below. Meat and meat products, dairy products, articles distributed and supplies used by meat-packing houses. Between Chicago, Ill., and Kansas City, Kans., as follows: From Chicago as specified above to Kansas City, and return over the same routes. Serving to and from the following intermediate and off-route points; Kansas City, Mo., for delivery of westbound traffic only, St. Joseph and South St. Joseph, Mo., for delivery of westbound traffic and pick-up of eastbound traffic, and Bevier, Breckenridge, Brookfield, Callao, Cameron, Hamilton, Laclede, Wheeling, Bucklin, Chillicothe, Kidder, Marceline, and Meadville, Mo., for delivery of soap only also serving the off-route point of Atchison, Kans., from St. Joseph, Mo., over U. S. Highway 59, for delivery of soap only. And with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate wholesale grocery houses, for the transportation of the commodities indicated and in the manner specified below. Groceries, from Chicago, Ill., to St. Joseph, Mo.. From Chicago to St. Joseph as specified above, with no transportation for compensation on return, except as otherwise authorized. Service is not authorized to or from intermediate points. IRREGULAR ROUTES: Food products, Between Chicago, Ill., on the one hand, and, on the other, points in Kansas and those in Missouri except St. Louis, and points within 50 miles of St. Louis. Dairy products as classified in the appendix attached to Ex Parte No. MC-38, Modification of Permits of Motor Contract Carriers of Packing-House Products, 46 M. C. C. 23, and empty containers for these commodities. Between Bucklin, Mo., on the one hand, and, on the other, points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission in 1 M. C. C. 673. Oleomargarine, mayonnaise, salad dressing, sandwich spread, mustard, and vegetable oils, From Chicago, Ill., to McCook and Hastings, Nebr. From points in the CHI-CAGO, ILL, COMMERCIAL ZONE, supra, to Meadville, Mo. Candy, From St. Joseph, Mo., to Chicago, Ill. From Chicago, Ill., to St. Joseph, Mo., and points within 50 miles of St. Joseph. Serum and virus, From St. Joseph, Mo., to Tallahassee, Fla. Return, with no transportation for compensation except as otherwise authorized to the abovespecified origin points. Malt beverages, From St. Joseph, Mo., to Oklahoma City, Lawton, Chickasha, and Tulsa, Okla., and points in Illinois. Empty malt-beverage containers, From Oklahoma City, Lawton, Chickasha, and Tulsa, Okla., and points in Illinois to St. Joseph, Mo. And with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate meat packing houses, for the transportation of the commodities indicated and in the transportation of commodities indicated and in the manner specified below. The commodities classified as meats, meat products

and meat by-products, as dairy products. and as articles distributed by meat packing houses, in section A. B. and C of the appendix attached to Ex Parte No. MC-38, Modification of Permits of Motor Contract Carriers of Packing-House Products, 46 M. C. C. 23, and packinghouse supplies, Between Chillicothe. Kansas City, South St. Joseph, and St. Joseph, Mo., and Kansas City, Kans., on the one hand, and, on the other, points in the CHICAGO, ILL., COMMERCIAL ZONE, supra, and Joliet, Ill. Between St. Joseph and South St. Joseph, Mo., on the one hand, and, on the other Bushnell, Carthage, East St. Louis, Galesburg, Jacksonville, Monmouth, Peoria, Quincy, Rock Island, and Springfield. Ill. The commodities classified as meats. meat products, and meat by-products in section A of the appendix attached to Ex Parte No. MC-38 Modification of Permits of Motor Contract Carriers of Packing-House Products, 46 M. C. C. 23, Between McCook, Nebr., and the location of the plant of Fred Glaser, near McCook, on the one hand, and, on the other, Sioux City, Iowa, and St. Joseph, Mo. Packing House supplies, From Sioux City. Iowa, and St. Joseph. Mo., to the abovedescribed Nebraska points. IRREGU-LAR ROUTES: Salt, in bulk, From Kanopolis, Kans., to St. Joseph, Mo., with no transportation for compensation on return except as otherwise authorized.

Note: The purpose of instant application is to convert carrier's authorized CONTRACT CARRIER authority as described in Fermit Nos. 106942 and Sub 33, dated January 7, 1952, and July 27, 1954, respectively, to those of a COMMON CARRIER. Important—This application directly related to MC-P 5936 published under section 5 applications this irsue.

#### CORRECTIONS

Application No. MC 106049 Sub 25, Atlanta-New Orleans Motor Freight Co., published on Page 1163, issue of February 24, 1955, line 21 of notice reading Pensacola, Fla., and Flomaton, Ga., should be changed to read: Pensacola, Fla., and Flomaton, ALABAMA. Carrier is not authorized to operate in South Carolina.

# APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 109850 Sub 1, FREDERICK J. WHALEN, doing business as PEN-DEL COACH LINES, 1809 DeKalb Street, Post Office Box 213, Norristown, Pa. Applicant's attorney Gilbert Nurick, Commerce Building, Harrisburg, Pa. For authority to operate as a common carrier, over irregular routes, transporting: Passengers and their baggage, in the same vehicle with passengers, in roundtrip sightseeing and pleasure tours, beginning and ending at Coatesville and Downingtown, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Lou-islana, Maryland, Ohio, West Virginia, Tennessee, Kentucky, Alabama, Missis-slppi, and the District of Columbia. Applicant is authorized to conduct regular route operations in Delaware and Pennsylvania.

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No. MC 115205, MIDNIGHT SUN TOURWAYS, INC., Box 1497, Juneau, Alaska. For authority to operate as a common carrier over a regular route, transporting: Passengers and their bagbage, and express, mail, and newspapers, in the same vehicle with passengers, between a point on the United States-Canada International Boundary line at or near the port of entry of Lynden, Wash., and Seattle, Wash., operating from the United States-Canada International Boundary line over Washington Highway 1B to Bellingham, Wash., thence over U. S. Highway 99, via Burlington, Wash., to Seattle, and return over the same route, serving no intermediate points, restricted to traffic originating in Alaska.

#### 'APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12624, HARRY VALLIN, doing business as SCANDINAVIAN SKI & SPORT SHOP 775 Lexington Avenue, New York, N. Y. Applicant's attorney Curran C. Tiffany, 52 Broadway, New York 4, N. Y. For a license as a broker in arranging the transportation of Passengers, and their baggage, and their ski equipment, in interstate or foreign commerce, in round trip, special or charter operations by motor vehicle, from points in the New York, N. Y., Commercial Zone as defined by the Commission, to skiing areas, ski lodges, and ski slopes, in New York, New Hampshire, Vermont, Massachusetts, and Connecticut.

# APPLICATIONS UNDER SECTION 5 AND 210 (2) (b)

No. MC-F-5933. Authority sought for purchase by BUCKINGHAM TRANS-PORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of a portion of the operating rights and property of DAKOTA TRANSFER & STORAGE COMPANY, 11 Oak St., S. E., Minne-apolis, Minn., and for acquisition by EARL F BUCKINGHAM AND HAROLD D. BUCKINGHAM, Rapid City, S. Dak., of control of said operating rights and property through the purchase. Applicants' attorneys: Marion F Jones, 526 Denham Bidg., Denver, Colo., and Franklin J. Van Osdel, 506 First National Bank Bldg., Fargo, N. Dak. Vendor, a common carrier is authorized to operate in the States of Illinois, Indiana, Minnesota, North Dakota, Iowa, Montana, and Wisconsin. Here it would sell authority to transport (1) general commodities, with certain exceptions, including household goods, as defined by the Commission, over a network of regular routes generally between Minneapolis, Minn., and Glasgow, Mont., including, but not limited to routes between Minneapolis, Minn., and Fargo, N. Dak., over both U. S. Highways 10 and 52, serving the intermediate point of St. Paul, Minn., between Fargo and Bismarck, N. Dak., as an alternate route for operating convenience only, serving neither Bismarck nor intermediate points; between Bismarck, N. Dak., on the one hand, and, on the other, Velva and Portal, N. Dak., between Watford and Minot, N. Dak., between Devils Lake, N. Dak., and Minneapolis, Minn., over three combinations of routes; and between Minot, N. Dak., and Glasgow, Mont., serving

certain intermediate and off-route points; (2) (in part) general commodities, with certain exceptions, including household goods, over irregular routes, (a) between points in specified portions of North Dakota, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn., (b) between points on certain of the regular routes involved herein, on the one hand, and, on the other, points in a defined portion of North Dakota; and (c) between Fargo, West Fargo, South-west Fargo, and Union Stockyards, N. Dak., and (3) various commodities, differing as to origin and destination points and areas, including but not limited to catalogs, from Crookston, Minn., and Grand Forks and Fargo, N. Dak., to points in a defined portion of North Dakota; dairy products, as defined by the Commission, from a section of North Dakota, to Duluth, Minn., and grain and seeds, in bulk, between points in six Montana counties, and a portion of North Dakota, on the one hand, and, on the other, Superior, Wis., and points in Minnesota. Vendee may operate in the States of Minnesota, South Dakota, Nebraska, Iowa, North Dakota. Montana. Wyoming, Colorado, California, Washıngton, Arızona, Idaho, Oregon, and Wisconsin. Application has been filed for temporary authority under section 210a (b)

No. MC-F-5934. Authority sought for purchase by CENTRAL TRUCK LINES. INC., 1001 Jackson St., Tampa, Fla., of the operating rights and property of SPANISH TRAIL TRANSPORT, INC., 810 S. Conception St., Mobile, Ala., and for acquisition by SIDNEY ALLEN, Tampa, Fla., of control of the operating rights and property through the purchase. Applicants' attorneys: John M. Allison, P. O. Box 1531, Tampa, Fla., and Henri M. Aldridge, P. O. Box 47, Mobile, Ala. Operating rights sought to be transferred: General commodities, with certain exceptions, including household goods, as defined by the Commission, as a common carrier over regular routes, between New Orleans, La., and Chattahoochee, Fla., via U. S. Highway 90, serving all intermediate and specified off-route points; and between Chattahoochee and Jacksonville. Fla., via U.S. Highway 90, serving the intermediate points of Quincy Havana, and Tallahassee, Fla., subject to restriction; and paper and paper products, over irregular routes, between Mobile, Ala., and points within 15 miles of Mobile and Cantonment, Fla., on the one hand, and, on the other, points in Georgia on and south of U.S. Highway 80, a defined portion of Florida, and all points in Mississippi and Louisiana on and south of U. S. Highway 80; and from Cantonment, Fla., to points in Alabama on and south of U. S. Highway 80, except Montgomery. Vendee is authorized to operate in Georgia and Florida. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5935. Authority sought for purchase by ASSOCIATED TRUCK LINES, INC., 15 Andre St., SE., Grand Rapids, Mich., of a portion of the operating rights of WILLIAM A. BEEBE, doing business as BEEBE TRANSFER

COMPANY, 330 Beach St., Flint, Mich., and for acquisition by CORNELIUS BYLENGA, JR., Grand Rapids, Mich., of control of said operating rights through the purchase. Applicants' attorney Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. Vendor, a common carrier is authorized to operate under a certificate isued by the Commission, and also under the partial exemption of the second proviso of section 206 (a) (1). Here, it would sell authority to transport general commodities, with certain exceptions, including household goods as defined by the Commission, over a network of regular routes, generally radiating from Flint, Mich., including but not limited to the following: from Lapeer to North Branch via Columbiaville, Otter Lake, and Fostoria, and return via Kings Mills and Lum; from Flint to Vassar via Richfield, and return via Tuscola and Genesee: from Flint to Chesaning via Flushing, Brentcreek and New Lothrop, and return via Clio and Mount Morris; between Flint and Fenton, via U.S. Highway 23, between Flint and Byron via Corunna and Durand; between Flint and Clio via U. S. Highway 10 and Michigan Highway 57: between Fenton and junction unnumbered highway and Michigan Highway 78 via Byron; circular route beginning and ending at Flint via Millington, Vassar and Tuscola; and between junction U.S. Highway 10 and Michigan Highway 87 and Holly via Michigan Highway 87, serving most intermediate points. Vendee is authorized to operate, as a common carrier, in Michigan, Illinois, Indiana, and Ohio. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5936. Authority sought for control and merger by CROUCH BROS., INC., Transport Bldg., St. Joseph, Mo., of the operating rights and property of Wagner freight lines, incorpo-RATED, Transport Bldg., St. Joseph, Mo., and for acquisition by OVID CROUCH, DORA M. CROUCH, AND RUBY KNIK, St. Joseph, Mo., of control of the operating rights and property through the transaction. Applicants' attorney Clarence D. Todd, Suite 944, Washington Bldg., Washington, D. C. Operating rights sought to be controlled and merged: General commodities, with certain exceptions, including household goods, as a common carrier, over regular routes, including routes, between St. Joseph, Mo., and Hopkins, Mo., between Lexington, Mo., and Lathrop, Mo., between Lawson, Mo., and Kansas City, Kans., between Kansas City, Mo., and Plattsburg, Mo., between St. Joseph, Mo., and Lathrop, Mo., between Maryville, Mo., and Burlington Junction, Mo., between Maryville, Mo., and Shambaugh, Iowa, between Lathrop, Mo., and Kansas City, Kans., and between Kearney, Mo., and Kansas City, Kans., serving certain intermediate and off-route points; roo/ing and roofing materials, from Atchison, Kans., to Savannah, Mo., petroleum products, in containers, furniture, cas-kets, and livestock, from Kansas City, Kans., to Savannah, Mo., serving certain intermediate and off-route points; apples, from Savannah, Mo., to Des Moines, Iowa, serving certain intermediate and off-route points; and books, from Des Moines, Iowa, to Savannah, Mo., general commodities, with certain exceptions, including household goods, over irregular routes, between certain points in a portion of Missouri, on the one hand, and, on the other, points in Iowa and St. Joseph, Mo., livestock and grain, rough and dressed lumber cement, sand, farm machinery, farm implements and parts, binder twine, fence, fence materials, fertilizer tankage, agricultural commodities, and seeds, from, to and between certain points in Kansas. Missouri and Iowa. Crouch Bros., Inc., a contract carrier is authorized to operate in Kansas, Missouri, Illinois, Nebraska, Florida, Oklahoma, and Iowa. Application has not been filed for temporary authority under section 210a (b)

Nore: Instant application directly related to MC-115231, published in this issue.

No. MC-F-5937. Authority sought for purchase by WAGNER FREIGHT LINES, INCORPORATED, Transport Bldg., St. Joseph, Mo., of a portion of the operating rights and property of CLEO CROUCH, doing business as PONY EXPRESS, Transport Bldg., St. Joseph, Mo., and for acquisition by ARTHUR F. CROUCH, GEORGE W KEEFER, and CATHERINE D. CROUCH, St. Joseph, Mo., of control of said operating rights and property through the purchase. Applicants' attorney Clarence D. Todd, Suite 944 Washington Bldg., Washington, D. C. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier over irregular routes, between points within 25 miles of King City, Mo., including King City, on the one hand, and, on the other, points in Kansas, Nebraska, Iowa and Illinois; grain, feed, emigrant movables, agricultural implements, farm supplies, seed, livestock, farm implements and machinery, contractors machinery and equipment, farm tractors, from, to and between certain points in Illinois, Missouri, Arkansas, Iowa, Kansas, Indiana, and Nebraska. Transferee, a common carrier, is authorized to operate in Missouri, Kansas, Iowa, Illinois, Nebraska and Arkansas. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5938. Authority sought for purchase by WAGNER FREIGHT LINES, INCORPORATED, Transport Bldg., St. Joseph, Mo., of a portion of the operating rights of MARVIN H. JACKSON, doing business as JACKSON TRUCK LINE, 321 West 5th St., Maryville, Mo., and for acquisition by ARTHUR F. CROUCH, GEORGE W KEEFER, AND CATHERINE D. CROUCH, St. Joseph, Mo., of control of said operating rights through the purchase. Applicants' attorney Clarence D. Todd, Suite 944, Washington Bldg., Washington, D. C. Operating rights sought to be transfererd: General commodities, with certain exceptions, not including household goods, as a common carrier, over irregular routes, between Clearmont, Mo., and points in Missouri and Iowa within 20 miles of Clearmont, (except Maryville and Tarkio, Mo.) on the one hand, and, on the other, points

in Missouri, Iowa, Nebraska, and Kansas. Transferee, a common carrier, is authorized to operate in Missouri, Kansas, Iowa, Illinois, Nebraska, and Arkansas. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5939. Authority sought for purchase by WAGNER FREIGHT LINES, INCORPORATED, Transport Bldg., St. Joseph, Mo., of a portion of the operating rights of S. & C. TRANS-PORT COMPANY, INC., 65 State St., South Hutchinson, Kans., and for acquisition by ARTHUR F. CROUCH, GEORGE W KEEFER, and CATHERINE CROUCH, St. Joseph, Mo., of control of said operating rights through the purchase. Applicants' attorney. Clarence D. Todd, Suite 944, Washington Bldg., Washington, D. C. Operating rights sought to be transferred: General commodities, with certain exceptions, including household goods, as a common carrier, over regular routes, between St. Joseph, Mo., and Newton, Kans., serving certam intermediate points; salt, in bulk, over irregular routes, from Lyons, Kans., to St. Joseph, Mo., salt, from Hutchinson and South Hutchinson, Kansas, to St. Joseph, Missouri. Transferee, a common carrier, is authorized to op-erate in Missouri, Kansas, Iowa, Illinois, Nebraska, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5940. Authority sought for control and merger by BUCH EXPRESS, INC., 2800 Paxton St., Harrisburg, Pa., of the operating rights and property of ZENO BROS., TRUCKING CO., INC., 1350 Kelly Ave., Akron, Ohio, and for acquisition by A. L. BUCH, RAYMOND BUCH, and SONDELL COLEMAN, Harrisburg, Pa., of control of the operating rights and property through the transaction. Applicants' attorney. Earl V. Compton, 112 Market St., Harrisburg, Transferor, a common carrier, is authorized to transport general commodities, with certain exceptions, including household goods as defined by the Commission, over a network of regular routes in Ohio and Pennsylvania, including two routes between Cleveland, Ohio, and Philadelphia, Pa., one over U. S. Highway 422; between Harrisburg, Pa., on the one hand, and, on the other, Lancaster and Philadelphia, Pa., and between Akron, Ohio, and Pittsburgh, Pa., serving all intermediate and certain off-route points; and, over irregular routes, from Cleveland, Ohlo, and points within 50 miles of Cleveland, to points in a defined portion of Pennsylvania, and from Blairsville, Pa., and points within 60 miles of Blairsville, to points in Ohio east of Ohio Highway 13 and north of Ohio Highway 39, including points on the indicated portions of the highways specified. Zeno Bros., Trucking Co., Inc., a common carrier, is authorized to operate in Fennsylvania, Maryland, New York, New Jersey, Virginia, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b)

No. MC-F-5941. Authority sought for purchase by RAYMOND MOTOR TRANSPORTATION, INC., 221 Lincoln

Avenue, S. E., St. Cloud, Minn., of the operating rights and property of EMIL STADELMAIER and KENNETH G. HEIMBACH, doing business as MINNE-SOTA-ILLINOIS TRUCK LINE, 445 Pillsbury Avenue, St. Paul, Minn., and for acquisition by GORDON F. RAY-MOND, 516 10th Avenue, No., Minneapolis, Minn., of control of the operating rights and property through the purchase. Applicants' attorney' Perry R. Moore, 1100 First National-Soo Line Bldg., Minneapolis, Minn. Operating rights sought to be transferred: General commodities, with certain exceptions, including household goods, as a common carrier, over regular routes, between Chicago, Ill., and Minneapolis, Minn., serving certain intermediate and off-route points. Vendee, a common carrier, 1s authorized to operate in Minnesota and North Dakota. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-2157; Filed, Mar. 15, 1955; 8:49 a. m.]

[Nos. 11703, 26550, 31742]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

NOTICE OF INVESTIGATION AND HEARING

In the matter of Chicago Intrastate Suburban Fares of Milwaukee Railroad, No. 31742; Intrastate Rates Within State of Illinois, No. 11703; Passenger Fares and Surcharges, No. 26550.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of March A. D. 1955.

It appearing that, by petition filed February 2, 1955, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company seeks authority to increase its interstate and intrastate passenger fares between points in the Chicago, Ill., suburban area, embracing points between and including Walworth, Wis., and Elgin, Ill., on the one hand, and Chicago Union Station, Chicago, Ill., on the other, as follows:

One-way fares to be increased from approximately 2.5 cents per mile to approximately 3.2 cents per mile, mummum fare 25 cents. In computing distances and fares, fractions less than 0.5 to be dropped, and 0.5 or over to be increased to next whole mile or cent.

Round-trip fares to be increased from 180 percent of existing one-way fares to 180 percent of proposed one-way fares, adding when necessary to make the resulting fare end in "0" or "5"

Multiple fares: ten-ride to be increased from five times present round-trip fares to five times proposed round-trip fares, and 25-ride to be increased from 11½ times present round-trip fares to 12½ times proposed round-trip fares, adding when necessary to making the resulting fare end in "0" or "5"

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Commutation fares: unrestricted monthly, 46-ride monthly, and 12-ride weekly to be increased 40 percent, with

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maximum increases of \$6.40, \$5.75, and \$1.60 respectively, adding when necessary to make the resulting fare end in"0" or "5"

It further appearing that the petitioner requests that outstanding orders: be modified to the extent necessary to permit the petitioner to increase its interstate passenger fares as specified in whether the present Chicago intrastate the petition; petitioner states that present interstate fares are maintained in accordance with the orders entered in No. 26550, Passenger Fares and Surcharges, 214 I. C. C. 174, as modified by subsequent orders in Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 248 I. C. C. 545; No. 29862, Increased Passenger Fares, Western Western . Railroads, 269 I. C. C. 281, and No. 29897, Increased Coach Fares on Western Railroads, 269 I. C. C. 632. Related intrastate fares, it is further stated, are maintained in accordance with the order entered in No. 11703, Intrastate Rates Within Illinois, 59 I. C. C. 350.

And it further appearing that petitioner alleges that its present Chicago intrastate suburban one-way, roundtrip, multiple, and commutation fares are made or imposed by the authority of the State of Illinois, and that they cause, and will continue to cause disadvantage to and undue, unreasonable, and unjust discrimination against interstate commerce, and persons transported in interstate commerce, in violation of section 3 (1) and section 13 (4) of the Interstate Commerce Act, unless increased to the extent proposed.

For good cause appearing:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted under docket No. 31742, entitled as above, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested to determine .suburban one-way, round-trip, multiple, and commutation fares of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, or any of them, applicable in the State of Illinois for the intrastate transportation of persons, made or amposed by authority of the State of Illinois, cause or will cause, by reason of the failure of such fares and charges to include increases corresponding to those permitted by this Commission for interstate travel, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what fares and charges, if any, or what maximum, or minimum, or maximum and minimum fares and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That such investigation include the question of whether the orders in No. 11703. Intrastate Rates Within Illinois, and No. 26550, Passenger Fares and Surcharges as amended shall be modified to permit the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to increase its interstate and intrastate passenger fares between points in the Chicago, Ill., suburban area, embracing points between and including Walworth, Wis., and Elgin, Ill., on the one hand, and Chicago Union Station, on the other, as set out in the first paragraph of this

It is further ordered, That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be, and it is hereby, made the respondent to this proceeding: that a copy of this order be served upon such respondent; and that the State of Illinois be notified of the proceeding by sending copies of this order and of the said petition by registered mail to the Governor of the said State and to the Commission Illinois Commerce Springfield, Ill.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

HAROLD D. MCCOY, **ISEAL** Secretary.

[F. R. Doc. 55-2158; Filed, Mar. 16, 1055; 8:49 a. m.]